

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44590 of 2015

Arising Out of PS.Case No. -353 Year- 2012 Thana -SHASTRINAGAR District- PATNA

1. Amit Kumar Kaushik @ Shiv Amit Prakash Kaushik Son of Sri Ram Dahin Singh R/o Village Uchirama, P.S. Sherghati, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Sri Ramakant Sharma, Sr. Advocate
Mr. Manoj Kumar Manoj, Advocate.

For the Opposite Party/s :Mr. Amrendra Pd. (APP)

For the Informant ; Mr. Sri Krishna Pd. Singh, Sr. Advocate.

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

8 23-02-2016 Heard the learned counsel for the petitioner, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences punishable under sections 304 B and 34 of the I.P.C and sections 3 and 4 of the Dowry Prohibition Act.

Sony, the daughter of the informant, was married with the petitioner on 23.06.2010 and allegedly due to non fulfillment of demand of dowry she was being tortured and assaulted resulting she was living in Raj Ballabh Apartment near C.D.A. Colony, Shashtrinagar, Patna where the petitioner used to come and some time used to assault and caused threats and thereafter the petitioner

sent the servant Shankar to Hisua, Narhat and taking the benefit that the Sony was alone committed murder.

Submission is of false implication and that the petitioner is the Sub. Inspector in Bihar Police and at the time of occurrence he was posted at Deoria Police Station, District-Muzaffarpur and from location of mobile of the petitioner it is clear that on the date of occurrence the petitioner was at Vaishali, the sister of the deceased Sony has not supported the prosecution version vide paragraph- 6 of the case diary, further the independent witnesses vide paragraphs- 266, 270, 271, 276 and 278 of the case diary have also not supported the prosecution version as the deceased committed suicide due to torture by her parents herself.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that during investigation the petitioner being the Sub. Inspector of Police has been benefited by recording the statement of those witnesses, during postmortem examination injury has been found on the person of the deceased and as such the petitioner being responsible does not deserve bail.

In the facts and circumstances as stated above, considering the statement of the sister of the deceased vide

paragraph- 6 of the case diary and the statements of the independent witnesses vide paragraphs- 266, 270, 271, 276 and 278 of the case diary and further considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge- Vth, Patna in Sessions Trial No. 592 of 2015 arising out of Shastri Nagar P.S. Case No. 353 of 2012/ G.R. No. 5740 of 2012, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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