

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43008 of 2015

Arising Out of PS.Case No. -167 Year- 2014 Thana -AWTARNAGAR District- SARAN

1. Ghughli Mahto Son of Late Parash Mahto, Resident of Village -
Maujampur, P.S.-Awtar Nagar, Dist.-Saran at Chapta

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Arya

For the Opposite Party/s : Mr. Md. Aslam Ansari (App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

5 05-01-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Awtar
Nagar P.S. Case No. 167 of 2014 registered for the offence
punishable under Section 304(B)/34 of the Indian Penal Code.

Radha Devi, the sister of the informant was married to
the petitioner and she was burnt by the petitioner and other in-laws
and during treatment she died.

Submission is of false implication and that no offence
under Section 304-B IPC is made out, there is no allegation for
demand of dowry, independent witnesses during investigation vide
paras 25, 26, 27, 28 and 29 have stated that the wife of the
petitioner burnt herself and was brought for treatment but she died,

chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that the deceased died due to un-natural death.

In the facts and circumstances stated above, considering that independent witnesses, as stated above, have not supported the prosecution version and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned 2nd Additional Sessions Judge, Saran at Chapra arising out of Awtar Nagar P.S. Case No. 167 of 2014 subject to the conditions that one of the bailors must be 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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