

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50065 of 2015

Arising Out of PS.Case No. -7 Year- 2014 Thana -KHUDAGANJ District- NALANDA
(BIHARSHARIFF)

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Mantu Kumar @ Mantu Sao, son of Sri Kailash Sao, resident of Bypass Road, New Jaganpura, Near Giri Devi Mandir, P.S. - Ram Krishna Nagar, District - Patna (Husband).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumar Rishikesh Chanchal, Advocate

For the Opposite Party/s : Mr. Subhash Chandra Mishra (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 12-02-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P. for the State.

The petitioner seeks bail in a case for the offences punishable under sections 304(B) and 201/34 of the Indian Penal Code.

Baby Devi, the daughter of the informant was married to petitioner on 17.5.2013 and allegedly due to non-fulfillment of demand of Hero Honda Motorcycle, colour T.V., she was being assaulted by the petitioner and other in-laws and ultimately, she was done to death and her dead body has also been made traceless.

Submission is of false implication and that there was



cordial relation between the petitioner and his wife, no demand was ever made by the petitioner and other family members, she was suffering from illness and for that treatment was going on, she was treated by various doctors at various places, medical prescriptions are Annexure-3, but the wife of the petitioner could not be saved and she died on 25.10.2013 and, thereafter, in presence of the informant, the dead body was cremated at Bans Ghat, Patna, photo copy of medical prescriptions dated 24.10.2013 and 25.10.2013 and receipt of Bans Ghat, Patna are Annexure-4 and, as such, the petitioner, having no criminal antecedent, deserves sympathetic consideration, other co-accused have been allowed either pre-arrest bail or regular bail.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer for bail by submitting that the petitioner is the husband.

In the facts and circumstances stated above, considering the medical prescriptions, which are Annexures 3 and 4 series and further considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, 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 S.D.J.M., Hilsa, Nalanda in connection with Khudaganj P.S. Case No.07 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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