

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48903 of 2015

Arising Out of PS.Case No. -16 Year- 2015 Thana -NAWAKOTHI District- BEGUSARAI

1. Baban Kumar Son of Sri Kapildeo Singh, Resident of Village -
Brindawan, P.S. - Nawkothi, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Veena Kumari Jaiswal(App)

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

4 25-02-2016 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), 201 and 34 of the I.P.C and
section 3/4 of the Dowry Prohibition Act.

Amrika Kumari, the sister of the informant, was
married to the petitioner in the year 2012 and allegedly due to non
fulfillment of demand of dowry by way of motorcycle she was
being assaulted resulting she was admitted in hospital where she
died.

Submission is of false implication and that there was
cordial relation between the petitioner and his wife, the petitioner
and his family members brought Amrika Kumari to B.M.



Hospital, Bisanpur where she was treated, the informant and his family members were also present there and during treatment she died, the cremation was performed in presence of the informant and his family members but only with an oblique motive this case has been lodged resulting the petitioner is suffering in custody since 29.07.2015, whereas, other co-accused have already been allowed bail. It is also submitted that during investigation the independent witnesses vide paragraphs- 8, 9 and 15 have stated that the wife of the petitioner consumed poison herself and she was brought by the petitioner and his family members for treatment where she died.

The learned A.P.P. fairly submits that the witnesses, namely, Ganesh Shankar, Chunchun Kumar and Ramsharesth Singh during investigation have stated that the wife of the petitioner consumed poison herself.

In the facts and circumstances as stated above, 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 Sri Rameshwar Mishra, Judicial Magistrate, 1st Class, Begusarai in Nawkothi P.S. Case No. 16 of

2015, 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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