

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50723 of 2015

Arising Out of PS.Case No. -93 Year- 2014 Thana -SILAO District- NALANDA
(BIHARSHARIFF)

1. Pawan Shankar @ Pawan Shankar Kumar @ Munna Singh @ Munna
Son of Ram Ratan Prasad Singh @ Ram Ratan Singh, Resident of Village -
Bhadari, P.s. - Silao, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Pronati Singh (App)

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

ORAL ORDER

3 18-02-2016 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 498 (A), 304 (B) and 34 of the I.P.C

Chunmun Kumari, the younger sister of the informant,
was married to the petitioner six years ago and allegedly due to
non fulfillment of demand of dowry by way of Rs. 2,00,000/- she
was being tortured and assaulted by the petitioner and other in-
laws and ultimately she was burnt to death having injury on her
forehead.

Submission is of false implication and that from
Annexure-2 which is the Photostat copy of the voter identity card



of the year 2005 it reveals that the marriage has taken place before 2005 as the voter identity card was issued in the name of Chunchun Devi, wife of the petitioner and as such no offence under section 304 (B) of the I.P.C. is made out, further the wife of the petitioner was suffering from the disease and she was being treated by the doctor which is evident from Annexure-3 and co-accused Vimla Devi and Pratima Kumari have been allowed pre-arrest bail and further co-accused Ram Ratan Prasad Singh @ Ram Ratan Singh has been allowed regular bail by different Benches of this Court and the petitioner is suffering in custody since 10.06.2015, during investigation it has come that wife of the petitioner either committed suicide or received accidental burn injury as the room was found closed from the inside which is evident from the statement of Ram Niwas Singh, vide paragraph-11 of the case diary, and as such the petitioner deserves sympathetic consideration as the charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner is the husband and during postmortem examination injury has been found on her forehead.

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 Sessions Judge, Nalanda at Bihar Sharif in S. Tr. No. 365 of 2015 arising out of Silao P.S. Case No. 93 of 2014, 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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