

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52511 of 2015

Arising Out of PS.Case No. -289 Year- 2015 Thana -WAJIRGANJ District- GAYA

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Ashok Pandey, Son of - Late Jagdish Pandey, Resident of village- Geraiya,
P.S.- Wazirganj, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Jitendra Kr.Roy 1(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 22-02-2016 Heard learned counsel for the petitioner, learned

counsel for the informant and learned A.P.P. representing the

State.

The petitioner seeks bail in connection with Wazirganj
P.S. Case No. 289 of 2015 registered for the offences punishable
under Sections 304(B)/201/34 of the Indian Penal Code.

Allegedly, Sunaina Devi, the niece of the informant
was married to Anup Kumar Pandey, the son of the petitioner on
20.04.2015 and due to non-fulfillment of demand of dowry, she
was being tortured and assaulted and further the petitioner has
caused threats to kill her and ultimately on 08.07.2015 she was
killed by the petitioner and other in-laws and her dead body was
also cremated.

Submission is of false implication and that the petitioner is an old man aged about 73 years old, he has got no concern with the family affairs of the deceased and her husband, no independent witness has been examined during investigation and after recording the statement of interested witnesses, only chargesheet has been submitted and against the petitioner it has been wrongly alleged that he caused threats. The husband is already in custody and the petitioner suffering in custody since 15.07.2015, deserves sympathetic consideration.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioner has wrongly given his age 73 years old, he is not more than 60-65 years old and against the petitioner there is specific allegation for demanding dowry and causing threats.

In the facts and circumstances stated above, considering that the husband is in custody, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence 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 C.J.M., Gaya in connection with Wazirganj P.S. Case No. 289 of 2015 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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