

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58252 of 2015

Arising Out of PS.Case No. -227 Year- 2014 Thana -BAIKUNTHPUR District- GOPALGANJ

1. Birbhadur Kumar @ Birbhadur @ Bir Bahadur Kumar @ Bir Bahadur
S/o Late Ganga Bishnu Prasad Resident of Village - Hamidpur, P.S. -
Baikunthpur, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Khurshid Anwar(App)

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

3 03-03-2016 Heard the learned counsel for the petitioner, the
learned A.P.P for the State as also the learned counsel for the
Informant.

The petitioner seeks bail in a case for the offences
punishable under sections 304 (B) and 201/34 of the I.P.C

Kumari Pratima, the sister of the informant, was
married to the petitioner six months ago and allegedly due to non
fulfillment of demand of dowry by way of motorcycle she was
being tortured and assaulted and ultimately was killed and her
dead body was also cremated by the petitioner and other in-laws.

Submission is of false implication and that there was
cordial relation between the petitioner and his wife, during



investigation even the witnesses of the village of the informant have stated that the wife of the petitioner died during treatment and further the doctor who has treated the wife of the petitioner has also been examined vide paragraph- 37 of the case diary and the doctor has stated that Pratima Kumari was suffering from loose motion but when her condition was not controlled she was referred to the P.M.C.H. and as such the petitioner who is suffering in custody since 27.10.2015 deserves sympathetic consideration as charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that just after six months the sister of the informant was killed and her dead body was also cremated in absence of the informant.

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 A.K. Tripathi, J.M. 1st Class, Gopalganj in Baikunthpur P.S. Case No. 227 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)

Abhay/-

U		T	
---	--	---	--