

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58056 of 2015

Arising Out of PS.Case No. -164 Year- 2014 Thana -DUMRA District- SITAMARHI

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1. Md. Mumtaz S/o Shabir @ Sukhari R/o Village- Banchauri, P.S.-
Dumara, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha

For the Opposite Party/s : Mr. Pradip Nr. Kumar (App)

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

3 18-02-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Dumra P.S. Case
No. 164 of 2014 registered for the offence punishable under
Section 304B of the Indian Penal Code.

Rukshar, the daughter of the informant, was found dead
and the informant was informed that Rukshar had fallen down on
hand pump, resulting there was pain in her abdomen, thereafter,
she was brought at Sitamarhi for treatment and from there she was
brought back in the house where she died. The informant alleged
that earlier the petitioner being the husband used to demand
motorcycle and due to non-fulfillment he and other co-accused
killed Rukshar after administering poison.



Submission is of false implication and that the petitioner was having cordial relation with his wife, no offence under Section 304B of the Indian Penal Code is made out, due to some dispute the wife of the petitioner consumed poison herself and this fact has come during investigation vide paragraph 12 and 13 of the case diary, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner who is suffering in custody since 19.08.2015 deserves sympathetic consideration to which the learned APP opposes by submitting that the petitioner is the husband and the informant was wrongly informed regarding fall of his daughter on the hand pump.

In the facts and circumstances stated above, considering that chargesheet 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 the learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 164 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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