

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58284 of 2015

Arising Out of PS.Case No. -72 Year- 2015 Thana -NAWANGAR District- BUXAR

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1. Harendra Dubey S/o Late Roop Narayan Dubey Resident of Village -
Mungasi, P.S. - Dumraon, Distrit - Buxar at present Resident of Dumraon
Textile Colony, P.S. - Dumraon, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

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

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

3 19-02-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Nawanagar
P.S. Case No. 72 of 2015 registered for the offences punishable
under Sections 302, 201/34 of the Indian Penal Code.

Allegedly, a dead body of a woman aged about 45 years
was recovered from the canal, thereafter, Sanjay Tiwary filed an
application before the Officer Incharge, Dumraon Police Station
claiming that the dead body in question was of his sister Minta
Devi and she was killed by the petitioner and others for grabbing
her property.

Submission is of false implication and that there was no
issue from Minta Devi the first wife of the petitioner and with her



consent the petitioner married with co-accused Kiran Devi and they were enjoying happy conjugal life, the brother of deceased Sanjay Tiwary had taken loan of Rs. 32,000/- from the petitioner and on demand he did not return, resulting, Complaint Case No. 510 of 2015 has been filed by the petitioner. It reveals that Sanjay Tiwary and his men have killed the deceased and to save their skin falsely implicated the petitioner and his family members. The petitioner is suffering in custody since 05.06.2015 and as such he deserves sympathetic consideration to which learned APP opposes by submitting that from the room of the petitioner dried blood, one piece of ear ring, red coolur broken bangles, a piece of broken butt of gun and part of mangal sutra were recovered and further from the vehicle also such type of incriminating articles were recovered.

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, Buxar in connection with Nawanganar P.S. Case No. 72 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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