

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49269 of 2015

Arising Out of PS.Case No. -52 Year- 2015 Thana -BARUN District- AURANGABAD

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Binay Sao @ Binay Gupta Son of Arjun Sao Resident of Village-siris P.S
Barun, District Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Dr.Indiwar Kumari(App)

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

3 01-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Barun P.S.
Case No. 52 of 2015 registered for the offences punishable under
Sections 304(B)/34 of the Indian Penal Code.

Sangita Devi, the daughter of the informant was
married to petitioner on 30.11.2012 and due to non-fulfillment of
additional demand of dowry by way of motorcycle and cash of
rupees one lakh, she was being tortured and assaulted by the
petitioner and other in-laws and ultimately she was killed by them.

Submission is of false implication and that there was
cordial relation between the petitioner and his wife, the informant
has lodged this case only on suspicion, during investigation

several witnesses have stated that there was cordial relation between the petitioner and his wife, and petitioner and his brother also received injury in dousing the fire. As a matter of fact, the wife of the petitioner was preparing tea and her *saree* caught fire from the flame of the stove resulting she was burnt and to save her, the petitioner and his brother also received injury which is evident from para 3 of the case diary and, as such, the petitioner who is suffering in custody since 11.04.2015, deserves sympathetic consideration. The learned counsel has referred Para. 7, 9 and 10 of the case diary.

The learned A.P.P. submits that other witnesses have supported the prosecution version.

In the facts and circumstances stated above, considering that some of the witnesses vide para 9 and 10 have not supported the prosecution version 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., Aurangabad arising out of Barun P.S. Case No. 52 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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