

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32073 of 2016

Arising Out of PS.Case No. -104 Year- 2015 Thana -NIMCHAKBATHANI District- GAYA

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1. Guddu Choudhary S/o Rajendra Choudhary Resident of Village- Ajay
Nagar, P.S.- Nimchak Bathani, Distt- Gaya Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Smt. Reena Sinha

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

ORAL ORDER

3 17-09-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Nimchak
Bathani P.S. Case No. 104 of 2015 registered for the offence
punishable under Sections 304B/34 of the Indian Penal Code.

Manju Devi, the sister of the informant, was married to
the petitioner five years ago and thereafter, she was being tortured
and assaulted by the petitioner and other in-laws and ultimately
she went out of the house due to their torturous act and she is
traceless with her four years son. It appears that both have been
killed by the petitioner and other in-laws.

Submission is of false implication and that during
investigation witnesses have not supported the prosecution



version, witnesses Ramprit Rajbanshi, Kaushalya Devi and Daulati Devi vide paragraph 6, 7 and 9 of the case diary have stated that Manju Devi was of weak mind and was deaf and dumb and she went with her son to attend call of nature but she did not return and she is being searched. Earlier also she had gone away with the child and after hectic search she was found at Rajgir. During supervision also S.D.P.O. also vide paragraph 14 has found the same and further in paragraph 24 the villagers have told the same version to the I. O. and other police officers and as such the petitioner who is suffering in custody since 10.03.2016 deserves sympathetic consideration, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP submits that the petitioner is the husband.

In the facts and circumstances stated above, 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 A.C.J. M. X, Gaya in connection with Nimchak Bathani P.S. Case No. 104 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.

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(Jitendra Mohan Sharma, J)