

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38924 of 2016

Arising Out of PS.Case No. -78 Year- 2015 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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Dipak Pandey, son of Vikrama Pandey, Resident of Sonawall Dollsinpate,
P.S. Paharpur, District East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Javed Aslam

For the Opposite Party : Mr. Sri Nityanand

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 14-09-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner wants to renew the prayer of bail,
which was earlier rejected by order dated 27.10.2015 passed in Cr.
Misc. 29060 of 2015, on the ground that the petitioner is in
custody since 27.04.2015, the petitioner tried his best to keep his
wife treated and recovered, but when she was being brought to
Safdarganj Hospital, New Delhi in the Ambulance for treatment,
resulting, she suffered head injury which is evident from the
further statement of the informant also and also from the death
summary report of Safdarganj Hospital, New Delhi and at
Rahmaniya Hospital, the wife of the petitioner had given
statement in S.D.E. No. 489 of 2015 was registered further the
trial has not been concluded within six months and the petitioner
was given liberty to renew his prayer for bail.

The learned APP duly assisted by the learned counsel for the informant submits that one prosecution witness has been examined and the trial is in progress and there is allegation for demand of dowry and further the treatment was done at the expense of the informant and not at the expense of the petitioner.

In the facts and circumstances stated above, considering the detention and in near future the trial is not likely to be concluded and further there is no chance of tampering with the prosecution evidence and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge-VI, Motihari, in connection with Sessions Trial No. 695 of 2015 arising out of Paharpur P.S. Case No. 78 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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