

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5326 of 2016

Arising Out of PS.Case No. -103 Year- 2015 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

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Santosh Chaudhary S/o - Late Banka Chaudhary Resident of Village -
Jalaha, P.S. - Sangrampur, District - Motihari. Petitioner/s
Versus

1. The State of Bihar. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Bal Govind Sharma, Advocate

For the Opposite Party/s : Mr. Gajendra Pd.Yadav(App)
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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

4 31-03-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with
Sangrampur P.S. Case No. 103 of 2015 registered for the offences
punishable under Sections 304(B) and 201/34 of the Indian Penal
Code.

Surat Devi, the daughter of the informant was married
to the petitioner six years ago and she was issueless and, as such,
allegedly, the petitioner used to torture her and thereafter,
demanded Rs. 50,000/- to construct house and on refusal, the
petitioner killed his wife and other five persons helped him in
cremating the dead body.

Submission is of false implication and that the
petitioner never demanded any thing, the wife of the petitioner
died due to illness, she was living happily with the petitioner, no
complain was ever made and when the informant got knowledge

about the real fact, he has filed compromise petition in the court below vide Annexure-2 and, as such, the petitioner who is suffering in custody since 31.07.2015, deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering that now the informant is retracting from his earlier version and is not willing to support the prosecution case 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., Motihari, East Champaran in connection with Sangrampur P.S. Case No. 103 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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