

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8722 of 2016

Arising Out of PS.Case No. -33 Year- 2015 Thana -TANDWA District- AURANGABAD

=====

1. Ishwari Mehta Son of Bhola Mehta Resident of Village -Saratu Tole,
Maharwa, p.s Tandwa, District Aurangabad..... Petitioner

Versus

1. The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar

For the Opposite Party/s : Mr. P.K.Pandey(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 20-04-2016 Heard learned counsel for the petitioner and learned APP for the Sate.

The petitioner seeks bail in connection with Tandwa P.S. Case No. 33 of 2015 registered for the offence punishable under Section 302 of the Indian Penal Code.

Kanchan Devi, the sister of the informant, was married to the petitioner 12 years ago and allegedly, the petitioner used to torture and assault her for which a panchayatai was to be done but in the meantime she was found dead and the petitioner was found absent from the house.

Submission is of false implication and that during investigation the witnesses vide paragraph 10, 11 and 12 have stated that the wife of the petitioner fell down in the courtyard when she was sleeping and when she was being brought to Nabinagar but in the way to hospital she died, the doctor who has conducted post mortem examination has not found any injury over neck and as such the allegation of informant and further the statement of the son of the

petitioner appears not reliable.

Learned APP submits that Chandan Kumar aged 5 years the son of the petitioner has stated that the petitioner strangled his mother to death but fairly submits that this witness is not the eye witness as he has stated that he and his sister went away to sleep in the night and then the crime was committed.

In the facts and circumstances stated above, considering the post mortem report and further 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 Sri Sanjeev Kumar, J. M. Ist Class, Aurangabad in connection with Tandwa P.S. Case No. 33 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.

avin/-

(Jitendra Mohan Sharma, J)

U		T	
---	--	---	--