

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8865 of 2016

Arising Out of PS.Case No. -46 Year- 2015 Thana -TARARI District- BHOJPUR

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1. Umesh Mouar @ Umesh Kumar Son of Sri Ramayan Mouar resident of
village - Amharua, Police Station - Tarari, in the district of Bhojpur

.... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Rakesh Kumar(App)

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

ORAL ORDER

3 22-04-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Tarari P.S.
Case No. 46 of 2015 registered for the offences punishable under
Sections 304B, 201/34 of the Indian Penal Code.

This case has been lodged on the basis of complaint
petition with allegation that Puja Devi, the daughter of the
informant, was married to petitioner on 20.05.2014 and due to
non-fulfillment of demand of dowry by way of motorcycle she
was being tortured and assaulted and ultimately, she was burnt by
the petitioner and other in-laws and during treatment she died.

Submission is of false implication and that the petitioner
has never demanded any dowry nor tortured his wife at any point
of time, no such occurrence has taken place, the wife of the



petitioner was short tempered lady and she set her fire on her body on 28.03.2015, the petitioner brought her for treatment before Dr. Devwansh Rai and thereafter, she was referred to Sadar Hospital, Arrah, Bhojpur and father-in-law of the petitioner had taken Rs. 60,000/- for her better treatment which was given by the petitioner after taking loan from co-villager but the wife of the petitioner was not saved and then the informant with a view to extract more money lodged this false case on 15.06.2015 after much delay.

Learned APP submits that the petitioner is the husband but Dr. Devwansh Rai has admitted that the petitioner has brought his wife for treatment before him and his statement has been recorded in paragraph 163 of the case diary.

In the facts and circumstances stated above, considering 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 Smt. Divya Jaiswal, J. M. Ist Class, Ara in connection with Tarari P.S. Case No. 46 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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