

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14254 of 2016

Arising Out of PS.Case No. -160 Year- 2015 Thana -MAIRWA District- SIWAN

Ashok Gupta S/o Nami Sah R/o village - Titira, P.S. Mairava, District - Siwan

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Anil Kumar Mishra

For the Opposite Party/s : Mr. Md.Ansarul Haque (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-05-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in connection with Mairva P.S. Case No. 160 of 2015 registered for the offence punishable under Section 304(B)/34 of the Indian Penal Code.

Rinku Devi, the daughter of the informant was married to the petitioner in the year 2005. Out of the wedlock, there are three children, but allegedly the petitioner and other in-laws were demanding dowry and for that she was being tortured and ultimately she was burnt to death and her dead body was also made traceless.

Submission is of false implication and that there was cordial relationship between the petitioner and his wife, nothing was ever demanded, during investigation it has come that the wife of the petitioner was pressurizing for partitioning the family

property to which the petitioner was not ready during the lifetime of the mother and father resulting in the absence of the petitioner, she burnt herself and during treatment she died which is evident from paragraph 20 of the case dairy and further from paragraph 15 supervision note of the case diary. After completing investigation, chargesheet has been submitted under Section 306 of the Indian Penal Code, the petitioner is in custody since 11.01.2016 having no criminal antecedent.

The 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 Chief Judicial Magistrate, Siwan in connection with Mairva P.S. Case No. 160 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)

Mishra/-

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