

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.13682 of 2016**

Arising Out of PS.Case No. -34 Year- 2015 Thana -TANDWA District- AURANGABAD

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1. Baljeet Sharma @ Guddu Son of Late Doman Sharma, resident of village- Puhara, P.S.- Tandwa, District- Aurangabad

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Reena Sinha (App)

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

3      11-05-2016      Heard learned counsel for the petitioner and learned A.P.P. representing the State.

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

Kabita Devi, the daughter of the informant was married to the petitioner in the year 2007 and allegedly, due to non-fulfillment of demand of dowry by way of motorcycle and gold chain, the petitioner and other in-laws used to torture and assault her, she has given birth of two daughters aged 6 and 2 years respectively and thereafter, the informant got information that his daughter has fled away from the in-laws house and then her dead body was found in Aahar at a distance of 5 km. from her in-laws

house.

Submission is of false implication and that there was cordial relation between the petitioner and the wife, out of the wedlock there are two daughters, no demand was ever made by the petitioner or anyone, due to some trivial dispute the wife of the petitioner fled away from her in-laws house and it reveals that she finished herself after jumping into the Aahar, no injury was found on her person by the doctor, cause of death has also not been ascertained, the witnesses vide paras 10 and 11 have stated that the petitioner fled away from the matrimonial home in the night and the petitioner and his family members were searching her and, as such, the petitioner who is suffering in custody since 09.08.2015 deserves sympathetic consideration as no offence under Section 304(B) IPC is made out.

The learned A.P.P. submits that the petitioner is the husband and other witnesses have supported the prosecution version.

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 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 Additional Sessions Judge-VII, Aurangabad in connection with Tandwa P.S. Case No. 34 of 2015, S. Tr. No. 22 of 2016 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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