

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42306 of 2015

Arising Out of PS.Case No. -10 Year- 2015 Thana -VALMIKINAGAR District-
WESTCHAMPARAN(BETTIAH)

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1. Birendra Ray Son of Prakash Ray, resident of village- Pipara Kuta,
Berma Tola, P.S. Valmiki Nagar, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra

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

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

3 12-01-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 304 (B), 201 and 120 B of the I.P.C

Shobha Devi, the daughter of the informant, was
married to the petitioner five years ago and due to non fulfillment
of demand of dowry by way of motorcycle she was being tortured
by the petitioner and other in-laws and ultimately she was done to
death and her dead body was also made traceless.

Submission is of false implication and that there was
cordial relation between the petitioner and his wife, wife of the
petitioner at the time of cooking received burn injury and the



petitioner immediately brought her to hospital for treatment at Primary Health Centre, Valmiki Nagar and the doctor referred her to the higher institute and then she was being brought to Bettiah but she died and in this regard information was given to the informant also which is evident from the written report of the informant himself, for the occurrence dated 10.03.2015 the informant lodged this case on 16.03.2015 as the petitioner did not fulfill his illegal demand. The maternal uncle of the deceased has not supported the prosecution version, vide paragraph- 38 of the case diary, further his statement has been recorded under section 164 Cr. P.C also, the witnesses vide paragraphs- 44 and 45 of the case diary have not supported the prosecution version and as such the petitioner who is suffering in custody since 09.04.2015 deserves sympathetic consideration as charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail but fairly submits that the maternal uncle of the deceased has not supported the prosecution version.

In the facts and circumstances as stated above, considering that charge sheet 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 furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. Bagaha (West Champaran) in Valmiki Nagar P.S. Case No. 10 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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