

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46336 of 2015

Arising Out of PS.Case No. -118 Year- 2014 Thana -PARWALPUR District- NALANDA
(BIHARSHARIFF)

Mukesh Bind, Son of Nagina Bind, Resident of Village- Dariyapur, Police
Station- Parwalpur/Noorsarai, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
For the Opposite Party/s : Mr. Nand Kishore Prasad (App)

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

3 08-01-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in Parwalpur P.S. Case No. 118
of 2014 registered for the offences punishable under Section 304(B),
201/34 of the Indian Penal Code.

Surila Devi, the daughter of the informant/complainant
was married to petitioner four years ago and due to non-fulfillment of
demand of Rs. 50,000/- by way of dowry, she was done to death and
her dead body was also made traceless.

Submission is of false implication and that for the
occurrence of 14.01.2013 admittedly, the complainant came to know on
16.01.2013, but the complaint case has been lodged on 02.08.2014 after
much delay. During investigation, several witnesses have stated that the

deceased died due to diarrhea, Jagdish Prasad and Nanan Bind have been examined under Section 164 Cr.P.C. and both witnesses have stated that the deceased died due to diarrhoea and petitioner is suffering in custody since 23.07.2015 deserves sympathetic consideration. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. fairly submits that witnesses have not supported the prosecution version.

In the facts and circumstances stated above, considering that independent witnesses have not supported the prosecution version and as such the petitioner above named is directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Hilsa, Nalnda in connection with Parwalpur P.S. Case No. 118 of 2014, 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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