

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52651 of 2015

Arising Out of PS.Case No. -61 Year- 2014 Thana -PANAPUR District- SARAN

1. Binod Bhagat s/o Surender Bhagat Resident of Village - Jipura, P.S. - Panapur, District - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.48971 of 2015

Arising Out of PS.Case No. -61 Year- 2014 Thana -PANAPUR District- SARAN

1. Kunti Devi W/o Surender Bhagat Resident of Village- Jipura , Panapur, District Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.52651 of 2015)

For the Petitioner/s : Mr. Yashraj Bardhan

For the Opposite Party/s : Mr. Arvind Kr.Panday(App)

(In Cr.Misc. No.48971 of 2015)

For the Petitioner/s : Mr. Yashraj Bardhan

For the Opposite Party/s : Mr. R.P.S.Singh(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 11-02-2016 Both the Criminal Miscellaneous are of the same occurrence and as such have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 304 B and 34 of the I.P.C

Prabhawati Devi, the daughter of the informant, was married to the petitioner Binod Bhagat two years ago and allegedly due to non fulfillment of demand of dowry by way of motorcycle and cash of Rs. 50,000/- she was being tortured and ultimately she was burnt to death by the petitioners and other in-laws and at the time of the occurrence she was having pregnancy of two months.

Submission is of false implication and that there was cordial relation between the petitioner Binod Bhagat and his wife. The petitioner Kunti Devi is living separately since long from her son Binod Bhagat, during investigation independent witnesses, namely, Mosafir Bhagat, Bhagwan Prasad Bhagat and Rafique Mian have stated that the wife of the petitioner Binod Bhagat committed suicide by burning herself after closing the room from inside and at that time the petitioners were at the roof-top and as such the petitioners deserve sympathetic consideration, co-accused Surendra Bhagat and Pramod Bhagat have already been allowed bail by another coordinate Bench of this Court vide Cr. Misc. No. 26758 of 2015.

The learned A.P.P. submits that in the supplementary

case diary vide paragraphs- 4, 5 and 6 dated 27.07.2015 those witnesses have not supported the prosecution version, in the main case diary there is statement of the informant and his family members who have supported the prosecution version.

In the facts and circumstances as stated above, considering that the charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri D.K. Tiwari, J.M. 1st Class, Saran at Chhapra in Panapur P.S. Case No. 61 of 2014, 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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