

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58272 of 2015

Arising Out of PS.Case No. -57 Year- 2015 Thana -CHAND District- BHABHUA (KAIMUR)

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1. Bhola Sah S/o Hira Sah Resident of Village - Baradhi, P.S. - Chand,
District - Kaimur at Bhabua

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Braj Kishore Prasad (App)

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

ORAL ORDER

3 22-02-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Chand P.S. Case
No. 57 of 2015 registered for the offence punishable under
Sections 304B/34 of the Indian Penal Code.

Guddi Kumari @ Bilikhiya Devi, the daughter of the
informant, was married to the petitioner in the year 2014 and
allegedly, due to non-fulfillment of demand of dowry by way of
motorcycle she was burnt to death by the petitioner and other in-
laws.

Submission is of false implication and that there was
cordial relation between the petitioner and wife but she was short
tempered lady, the wife of the petitioner was cooking food in the
room and fire caught in her Sari, she became injured and died. The

wife of the petitioner was alone in her house and thereafter, the door was broken in presence of witnesses, the Police has also found the door broken and the independent witnesses vide paragraph 32, 33 and 34 of the case diary have stated similarly and other co-accused have been allowed pre-arrest bail vide Cr. Misc. No. 39675 of 2015.

Learned APP fairly submits that the petitioner is the husband.

In the facts and circumstances stated above, considering that the witnesses Bimlesh Kumar, Manish Singh and Ram Sewak Sharma vide paragraph 32, 33 and 34 of the case diary have stated that the door was closed from inside and the same was opened after breaking the same, chargesheet 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 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 III, Kaimur at Bhabua in S. Tr. No. 441 of 2015 – 316 of 2015 arising out of Chand P.S. Case No. 57 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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