

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.395 of 2016

Arising Out of PS.Case No. -4 Year- 2015 Thana -MAIN P.S. District- GAYA

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Nirbhay Sharma @ Nirbhay Kumar @ Baijnath Sharma son of Satendra
Sharma resident of village - Manjhar, Police Station - Main, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr. P.N.Pandit (App)

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

4 26-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Main
(Paibigha O.P.) P.S. Case No. 04 of 2015 registered for the
offences punishable under Sections 304(B) and 201/34 of the
Indian Penal Code.

Rubi Devi, the sister of the informant was married to
the petitioner three years ago and allegedly, she was assaulted and
killed by the petitioner and other in-laws and her dead body was
also made traceless.

Submission is of false implication and that the
prosecution story appears not probable and reliable, there was
cordial relationship between the petitioner and his wife, the wife



of the petitioner was treated at Makhdumpur Primary Health Centre by Dr. Vijay Kumar, vide annexure-2 series and after getting treatment when she was returning to the village, her condition deteriorated and she became serious and died, information was given to the informant and his family members and then the dead body was cremated by the family members, other co-accused either have been allowed pre-arrest bail or regular bail by another co-ordinate Benches of this Court and the petitioner who is suffering in custody since 09.06.2015, deserves sympathetic consideration. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. submits that the petitioner is husband.

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 Sri. Syed Qamrul Hasan Rizvi, learned Judicial Magistrate 1st Class, Gaya in connection with Main (Paibigha O.P.) P.S. Case No. 04 of

2015 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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