

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40375 of 2016

Arising Out of PS.Case No. -101 Year- 2016 Thana -FATEHPUR District- GAYA

=====

1. Binod Sao Son of Buttu Sao resident of Village- Bagahi P.S. Fatehpur District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ramashish

For the Opposite Party/s :Smt Renu Kumari

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 19.11.2016 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section 302/34 of the Indian Penal Code.

Petitioner happens to be husband of the deceased and his marriage had taken place with the deceased in the year 2007 but the informant claims that since last one year, her daughter was subjected to cruelty and harassment by the petitioner and his other family members as the petitioner was drunkard and he was making illegal demand.

Post mortem report of the deceased goes to show that some injuries were found on her person and one blackish ligature mark on upper part on the neck was also found. Furthermore, post mortem report goes to show that viscera was kept reserved and sent for chemical examination. The doctor could not give exact cause of death

of the deceased.

Submission on behalf of the petitioner is that ligature mark on the neck of the deceased goes to show that deceased committed suicide. Therefore, even if the prosecution story assumed to be true, then also, it is case of section 306 of the Indian Penal Code. Furthermore, none has seen the actual killing of the deceased and investigation against the petitioner has already been completed.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate X, Gaya in Fatehpur P.S. Case no. 101/2016.

shahid

(Hemant Kumar Srivastava,J)

U		T	
---	--	---	--