

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38291 of 2016

Arising Out of PS.Case No. -61 Year- 2016 Thana -SHEKHPURA District- SEKHPURA

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Rupesh Goswami, son of Late Raj Kumar Goswami, Resident of Mohalla-
Jamalpur, P.S. and District Sheikhpura

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pankaj Kumar, Advocate

For the Opposite Party : Mr. Md. Anzarul Haque Sahara (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 22-10-2016 Heard learned counsel for the petitioner and the

learned counsel representing the State.

The petitioner seeks bail in connection with
Sheikhpura P.S Case No. 61 of 2016 registered for the offence
punishable under Section 302/34 of the Indian Penal Code.

Allegedly, Arpana Goswami the daughter of the
informant was married to the petitioner, but after marriage the
petitioner and other in-laws used to torture and assault her, out of
wedlock there is 8 years daughter and 3 years son. On 23.02.2016
the petitioner informed telephonically to the informant that his
daughter has died and then informant and others went there and
saw his daughter dead and there was a blackish spot near nail and
eye.

Submission is of false implication and that in para 7 of the case diary, there is statement of the daughter of the deceased who has stated that quarrel always took away between mother and father, resulting, the father used to stop food, father told her mother to die and then her mother died. Witnesses vide paras 13, 14, 25, 26 and 27 of the case diary have also stated that the deceased committed suicide and after completing investigation chargesheet has been submitted under section 306 of the Indian Penal Code and, as such, the petitioner, who is suffering in custody since 21.07.2016 deserves sympathetic consideration.

The learned A.P.P. fairly submits that chargesheet has been submitted under section 306 of the Indian Penal Code.

In the facts and circumstances stated above, considering that there is no chance of tampering with the prosecution evidence and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura, in connection with Sheikhpura P.S. Case No. 61 of 2016, 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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