

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3802 of 2016

Arising Out of PS.Case No. -136 Year- 2015 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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Bijay Kumar @ Bijay Singh S/o Late Prabhu Singh resident of Village -
Bishambaharpur, P.S. - Kalyanpur, District - East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjeet Kumar Singh, Advocate.

For the Opposite Party : Mr. Rana Randhir Singh(App)

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

3 07-04-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Kalyanpur
P.S. Case No. 136 of 2015, registered for the offences punishable
under Sections 304(B) and 34 of the Indian Penal Code.

Soni Devi the daughter of the informant was married to
the petitioner eight years ago and out of the wedlock there are
three children but allegedly due to non-fulfillment of demand of
dowry by way of motorcycle and gold chain she was being
tortured by the petitioner and other in-laws and ultimately she was
burnt by pouring kerosene oil on her body and then the informant
went there and brought her at Sadar hospital, Motihari for

treatment but she died.

Submission is of false implication that the petitioner was having cordial relation with his wife, nothing was demanded at any point of time, during investigation the brother of the deceased and the Bhabhi of the deceased have not supported the prosecution version which is evident from the para- 11 of the case diary and further independent witnesses. Ganja Singh has also not supported the prosecution version vide para-10 of the case diary and as such the petitioner suffering in custody without any fault since 12.06.2015 deserves sympathetic consideration to which the learned APP submits that the petitioner is the husband.

In the facts and circumstances stated above, considering that the charge sheet 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 Shri D. Kumar, the learned Judicial Magistrate, 1st Class, Sadar at Motihari in connection with Kalyanpur P.S. Case No. 136 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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