

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9915 of 2016

Arising Out of PS.Case No. -33 Year- 2015 Thana -MAHILA P.S. District- NAWADA

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Tulsi Dom, Son of Rajo Ram, Resident of Mohalla- Warisaliganj (Old Hospital) P.S.-Warsaliganj District Nawada.. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Devendra Prasad Singh, Advocate

For the Opposite Party : Mr. T.N. Thakur (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 11-04-2016

Heard learned counsel for the petitioner and the

learned A.P.P. representing the State.

The petitioner seeks bail in connection with Nawada Mahila P.S Case No. 33 of 2015 registered for the offence punishable under Section 304(B)/34 of the Indian Penal Code.

Dolly Devi the daughter of the informant was married with the petitioner five years ago and allegedly due to non-fulfillment of demand of dowry by way of cash of Rs. 25,000/- she was having tortured and ultimately she was burnt by the petitioner and another in-laws and then the informant brought her to Nawada hospital where she died on 10.06.2015.

Submission is of false implication and that earlier the informant has given her fardbeyan in P.M.C.H. Emergency Ward, wherein she has stated that her daughter received burn injury at the time of preparing tea from gas stove, but later on after one month filed petition before the Superintendent of Police, Nawada, falsely

resulting institution of this case. During investigation the independent witnesses vide para 10 and 11 have also stated that the wife of the petitioner received burn injury when she was preparing tea due to leakage of gas and as such, the petitioner who is suffering in custody since 06.09.2015 deserves sympathetic consideration, to which the learned APP opposes.

In the facts and circumstances stated above, considering that chargesheet has already been submitted, there is no chance of tampering with the prosecution evidence as such, 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 Additional Chief Judicial Magistrate-III, Nawada arising out of Nawada Mahila P.S. Case No. 33 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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