

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9586 of 2016

Arising Out of PS.Case No. -26 Year- 2015 Thana -BISHWAMBHARPUR District- GOPALGANJ

1. Laxman Sah Son of Kishore Sah, Resident of Village - Salepur, P.S. - Bishwambharpur, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan

For the Opposite Party/s : Mr. Nagendra Prasad (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 26-04-2016 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in Sessions Trial No. 456/2015 arising out of Bishwambharpur P. S. Case No. 26/2015 registered for the offence punishable under Sections 304 (B) and 34 of the I.P.C.

Allegedly, Rambha Kumari, the daughter of the informant, was married with the petitioner one year ago and due to non - fulfillment of demand of dowry by way of motorcycle, she was burnt and was brought to Kuchaikote Government Hospital, where she died.

Submission is of false implication and that the petitioner never demanded anything. There was cordial relation between the husband and wife. As a matter of fact, when the wife of the petitioner was going to sleep then she had gone to the

kitchen to blow off the kerosene lamp but unfortunately the lamp fell on her body and she burnt, no independent witness has supported the prosecution version and further the informant after realizing the truth sworn affidavit also stating the innocence of the petitioner and other co-accused has been allowed bail.

Learned A.P.P. submits that now the informant is retracting from earlier version.

In the facts and circumstances stated above, the petitioner Laxman Sah is directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.- II, Gopalganj in connection with Sessions Trial No. 456/2015 arising out of Bishwambharpur P. S. Case No. 26/2015, 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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