

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16997 of 2016

Arising Out of PS.Case No. -253 Year- 2015 Thana -DELHA District- GAYA

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1. Vicky Kumar son of Jogendra Prasad, resident of village- Kharkhura, Tarwana, P.S.- Delha, District- Gaya.... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Praveen Prakash

For the Opposite Party/s : Mr. Ashraf Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 20-06-2016

Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Delha P.S. Case No. 253 of 2015 registered for the offences punishable under Sections 304B, 201/34 of the Indian Penal Code.

Sarita Kumari the daughter of the informant was married to the petitioner in the year 2008 and allegedly, the informant was called at Tehta and thereafter, he was informed that his daughter died after hanging herself in fan. It is further alleged that the petitioner used to demand money from the deceased which was sometimes fulfilled and due to non-fulfillment of demand he and other co-accused killed the daughter of the informant and cremated the dead body hurriedly.

Submission is of false implication and that it is not a case of homicidal rather it is a case of suicidal. The deceased herself



committed suicide and other co-accused Yogendra Prasad has been allowed regular bail whereas mother-in-law has been allowed pre-arrest bail. As alleged the marriage took place in the year 2008 and as such the occurrence has taken place after seven years of marriage as such no offence under Section 304B IPC is made out. The petitioner is in custody since 22.12.2015 and chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence. Out of the wedlock there is one son aged about 8 years and his statement has not been recorded intentionally either by the investigating officer or by the supervising authority as he is not supporting the prosecution version. In para 89 of supplementary case diary it has come that the son of the deceased has refused to go with her maternal grandfather and gave his consent to live with grandmother but in spite of that his statement was not recorded and as such the petitioner deserves sympathetic consideration to which the learned APP opposes by submitting that the petitioner is the husband and the witnesses have supported the allegation regarding demand of money from time to time.

In the facts and circumstances stated above, considering that chargesheet 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 the learned Chief Judicial Magistrate, Gaya in connection with Delha P.S. Case No. 253 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.

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(Jitendra Mohan Sharma, J)

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