

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38448 of 2015

Arising Out of PS.Case No. -340 Year- 2014 Thana -MAKHDUMPUR District- JEHANABAD

1. Anuj Yadav Son of Birendra Yadav R/o Sumera Tola Bala Bigha, P.S. Makhdumpur (Tehta) District Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. A.Haque Sahara(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 11-01-2016 Supplementary affidavit has been filed annexing the copy of postmortem report, as earlier copy of postmortem report of one Ramcheli Yadav has been filed vide Annexure-2 due to mistake.

Supplementary affidavit filed, is kept on record.

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

The petitioner seeks bail in connection with Makhdumpur (Teheta) P.S. Case No. 340 of 2014 registered for the offence punishable under Section 304(B)/34 of the Indian Penal Code.

Chanmuni Devi @ Nirmala Kumari, the sister of the informant was married to the petitioner in the year 2009 and out of

the wedlock, there is one daughter and one son and due to non-fulfillment of demand of motorcycle or cash of Rs. 50,000/- she was done to death.

Submission is of false implication and that during postmortem, no external injury has been found on the person of the deceased which goes to suggest that no assault was caused to the deceased in any way. There was cordial relation between the petitioner and his wife. No offence under Section 304-B IPC is made out, the wife of the petitioner died natural death and in this regard due information was given to the informant and others but on provocation, the present case was lodged, the informant after knowing the reality, has filed compromise petition also showing innocence of the petitioner and others vide Annexure-3 and, as such, the petitioner who is suffering in custody since 18.05.2015, deserves sympathetic consideration.

The learned A.P.P. fairly submits that the doctor has not found any external injury on the person of the deceased.

In the facts and circumstances stated above, considering that now the informant is not ready to support the prosecution version and, as such, 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 CJM, Jehanabad arising out of Makhdumpur (Tehta) P.S. Case No. 340 of 2014 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)

sushma/-

U		T	
---	--	---	--