

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36703 of 2015

Arising Out of PS.Case No. -42 Year- 2015 Thana -KARAKAT District- SASARAM (ROHTAS)

=====

1. Kamlesh Yadav Son of Lathera Singh @ Sheobachan Singh resident of
village - Pandsar, P.S. Karakat, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sada Nand Ray

For the Opposite Party/s : Mr. C. Jawahar (App)

=====

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

6 25-01-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 304 B and 201/34 of the I.P.C

Anita Devi, the daughter of the informant, was
married to the petitioner in the year 2008 and thereafter due to non
fulfillment of demand of dowry by way of motorcycle and the
golden chain she was being tortured and ultimately she was
strangled to death and her dead body was also cremated by the
petitioner and other in-laws.

Submission is of false implication, out of wedlock
there are two children, the marriage has taken place seven years
ago before the date of occurrence and as such no offence under

section 304 B I.P.C. is made out, during supervision it has come that the wife of the petitioner consumed poison herself due to some dispute and the two children are residing in the house of the petitioner and it is also submitted that the trial is not likely to be concluded as the case is pending for hearing on charge which is evident from the report of the learned trial Judge and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner is the husband and the dead body was cremated without informing the informant.

In the facts and circumstances as stated above, considering that in near future the trial is not likely to be concluded, in paragraph-34 of the case diary it has come that due to some dispute the wife of the petitioner consumed poison herself and committed suicide and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Anand Kumar Singh, J.M. 1st Class, Rohtas at Sasaram in Karakat P.S. Case No. 42 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)

Abhay/-

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