

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46252 of 2015

Arising Out of PS.Case No. -38 Year- 2013 Thana -BENA District- NALANDA (BIHARSHARIFF)

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Santosh Prasad Son of Late Prasadi Mahto Resident of village - Harihar
Bigha, P.S. Ven, District - Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar, Advocate

For the Opposite Party/s : Mr. Satyavrat Verma, APP

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

4 29-02-2016 Heard learned counsel for the petitioner and

learned A.P.P. representing the State.

The petitioner seeks bail in connection with Ven
P.S. Case No. 38 of 2013 registered for the offences punishable
under Sections 302 and 201/34 of the Indian Penal Code.

Allegedly, the petitioner being the husband took
away his wife to withdraw the amount from Parbalpur Post
Office and thereafter his wife became traceless and then the
daughter of the petitioner lodged this case.

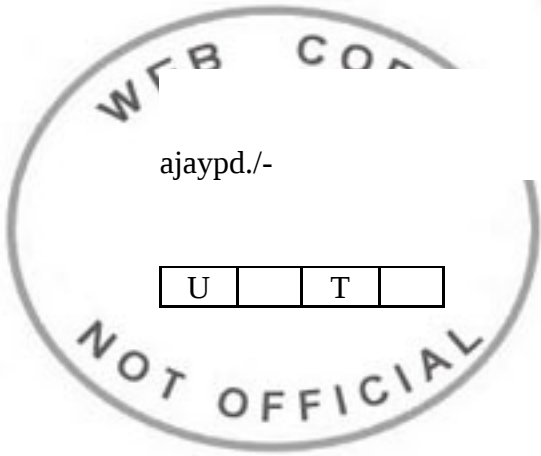
Submission is of false implication and that earlier
there was no dispute between the petitioner and his wife, out of

the wedlock there was two daughters and one son but the son died and since then the wife of the petitioner was under depression, the occurrence was of 24.01.2013 but the informant lodged this case on 02.03.2013 only with a view to implicate the petitioner and grab the property, during investigation nothing legal and cogent material has come, charge-sheet has been submitted under Section 364/34 of the Indian Penal Code.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioner only with a view to marry again made his wife traceless as the wife and the informant were protesting.

In the facts and circumstances stated above, considering detention of the petitioner, the above named petitioner 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 Additional Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Ven P.S. Case No. 38 of 2013, 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.)