

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41674 of 2016

Arising Out of PS.Case No. -77 Year- 2016 Thana -GAURICHAK District- PATNA

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1. Shailesh Prasad, son of Ram Niwas Singh, resident of Village-
Chandashi, P.S. Gaurichak, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Anand Kumar

For the Opposite Party/s : Mr. Sri Shyam Bihari Singh

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

3 24-10-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Gaurichak P.S. Case No. 77 of 2016 registered for the offence
punishable under Section 302/34 of the Indian Penal Code and
Sections 3 and 4 of Dowry Prohibition Act.

Lalita Devi, the sister of the informant, was married
to the petitioner in the year 2000 and allegedly, due to non
fulfillment of demand of Rs. 5,00,000/-, the petitioner and other
family members used to torture her and caused threat and
ultimately they killed her after assaulting.

Submission is of false implication and that there was
cordial relation between the petitioner and his wife, out of the



wedlock there are two sons and one daughter. During investigation eldest son of the deceased, Amit Kumar has been examined who has specifically stated that all the family members have gone to see Yagy in the village and thereafter there was alarm that his mother has fallen down and when persons assembled there she was brought to hospital, there she was found dead. After knowing the incident the informant and another persons came and police also reached there and prepared inquest report at 9.25 A.M., at that time the informant did not named anyone and at 10.15 A.M written report was submitted by the informant making allegation. The police after investigation submitted chargesheet only under Section 302 IPC and not under Sections 34 of Dowry Prohibition Act. There was no chance of tampering with prosecution evidence and as such the petitioner deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioner is the husband.

In the facts and circumstances stated above, considering the statement of the son of the deceased and further considering that chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, the 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 Sri Anant Kumar, learned Judicial Magistrate, 1st Class, Patna City in connection with Gaurichak P.S. Case No. 77 of 2016, 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)

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