

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11738 of 2016

Arising Out of PS.Case No. -52 Year- 2015 Thana -KUTUMBA District- AURANGABAD

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1. Srawan Singh @ Sharawan Singh @ Shrawan Singh S/o Rajendra Singh,
resident of Village- Khapiya, P.S.- Kutumba, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Anita Kumari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 02-05-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

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

Priyanka Kumari, the daughter of the informant, was
married to the petitioner on 23.06.2012 and allegedly due to non
fulfillment of demand of dowry by way of motorcycle and colour
T.V. she was being tortured by the petitioner and other in-laws.
However, she gave birth of a female child on 23.10.2015. The
informant was informed that his daughter died and then he went
there and there he and his wife were humiliated and assaulted and
the dead body was burnt forcibly and further the informant was
forced to sign on a bond paper. However, the informant lodged the

case on 02.11.2015.

Submission is of false implication and that there was cordial relation between the petitioner and his wife, out of the wedlock there is a daughter, no demand was ever made, admittedly the marriage was performed in a temple, the case has been lodged after ten days of the occurrence, during investigation the witnesses vide paragraphs 28 and 29 of the case diary have not supported the prosecution version, as a matter of fact the deceased was suffering from mental illness, namely, Epilepsy and on the alleged date of occurrence she fell unconscious on the hand-pump by which she received head injury and thereafter she died, the dead body was cremated in presence of the informant and his family members but due to some dispute the informant thereafter lodged this case resulting the petitioner is suffering in custody since 11.12.2015.

The learned A.P.P. submits that the independent witnesses vide paragraphs- 28 and 29 of the case diary have not supported the prosecution version but other witnesses have supported the case and the charge sheet has been submitted under sections 304 (B) and 201/34 of the I.P.C.

In the facts and circumstances as stated above, 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 C.J.M. Aurangabad in Kutumba P.S. Case No. 52 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)

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