

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43050 of 2016

Arising Out of PS.Case No. -132 Year- 2015 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

=====

Shiv Dayal Patel @ Shiv Dayal @ Sheodyal Patel @ Sheodyal Son of
Mahendra Singh, Resident of Village- Gahai, Police Station- Dhaka,
District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner, who is husband of the deceased, is
languishing in judicial custody since 18.02.2016 in connection
with Dhaka P.S. Case No. 132 of 2015 registered for the offence
punishable under Sections 304(B) and 201/34 of the Indian Penal
Code, but after investigation charge-sheet has been submitted
under Sections 302 and 201 of the Indian Penal Code.

The prosecution case, as lodged by the Chawkidar, is
that while he was on duty, he got information that petitioner, who
had solemnized second marriage with the deceased, Baby Devi 4-
5 years ago, had two children, a boy and a girl of six months. It



has been alleged that the first wife of the petitioner, Pramila Devi, accused Ram Kripal Patel and his wife Malti Devi had killed the said Baby Devi and her six months' old baby and with intention to disappear the dead body, burnt them.

It has been submitted by the learned counsel for the petitioner that the petitioner, who was working in Delhi, is innocent and since the first wife did not give birth to a child, he got married with the deceased Baby Devi in Delhi. He submits that there is no motive behind the aforesaid act and that there is no eye-witness to the alleged occurrence. He further submits that the petitioner has got no criminal history and there is no circumstantial evidence to implicate the petitioner in the present case.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and considering the facts and circumstances of the case and submission of the parties, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each



to the satisfaction of the learned Sub-Divisional Judicial
Magistrate, Sikarahana at Dhaka , East Champaran in connection
with Dhaka P.S. Case No. 132 of 2015.

(Nilu Agrawal, J.)

Arjun/-

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

