

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40533 of 2015

Arising Out of PS.Case No. -63 Year- 2015 Thana -BAHADURPUR District- PATNA

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1. Prabhat Kiran Bharti Son of Late Ramesh Chandra Prasad, Resident of Mohalla - Sheo Shakti Nagar, P.S. - Bahadurpur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha

For the Opposite Party/s : Mr. Indu Kumari Srivastava (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 12-01-2016 Heard the learned counsel for the petitioner, the learned A.P.P. as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offence punishable under section 304 (B)/34 of the I.P.C

Neha Kumari, the daughter of the informant, was married to the petitioner on 24.06.2012 and due to non fulfillment of demand of Rs. 1,00,000/- she was being tortured and ultimately she was done to death and was hanged.

Submission is of false implication and that no offence under section 304 (B) I.P.C. is made out, during investigation the independent witnesses have stated that the wife of the petitioner committed suicide by hanging herself after closing the door from inside, the doctor has also found the cause of death as Asphyxia

due to hanging, the petitioner is suffering in custody since 31.05.2015 having no criminal antecedent, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioner tortured the deceased and the petitioner was seen coming from the stair and as such the petitioner being husband does not deserve bail.

In the facts and circumstances as stated above, considering that during investigation the witnesses, namely, Dilip Kumar and Raju Kumar Mehta vide paragraphs- 8 and 9 have stated that the wife of the petitioner committed suicide and the doctor has also found cause of death as Asphyxia caused by hanging and as charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner, above named, 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 J.M. 1st Class- Cum- Additional Munsif- III, Patna City in Bahadurpur P.S. Case No. 63 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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