

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5334 of 2016

Arising Out of PS.Case No. -83 Year- 2015 Thana -MAINATAND District-
WESTCHAMPARAN(BETTIAH)

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1. Rahim Mian Son of Late Haziz Mian
2. Shamsul Nesha @ Khat Nesha wife of Rahim Mian Both resident of
Village - Pipara Santpur, P.S. Mainatand, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Madhuranand Jha (App)

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

ORAL ORDER

3 31-03-2016 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

Petitioners seek bail in connection with Mainatand P.S.
Case No. 83 of 2015 registered for the offences punishable under
Sections 304(B) and 201/34 of the Indian Penal Code.

Allegedly, Raveena Khatoon, the daughter of the
informant was married to Savir Miyan, the son of the petitioners
four years ago and allegedly, due to non-fulfillment of demand of
dowry, she was being tortured and ultimately she was killed by the
petitioners and other in-laws and her dead body was also made
traceless.

Submission is of false implication and that the father-



in-law and mother-in-law are living separately, which is evident from para-9 of the case diary itself, the police after adopting third degree method, has got recorded the confessional statement of petitioner no. 2, Shamsul Nesha which is self contradictory with the confessional statement of husband. There is general and omnibus allegation against them and, as such, the petitioners who are suffering in custody, deserve sympathetic consideration. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes the prayer of bail by submitting that petitioner no. 2 has confessed her guilt and further the dead body was thrown in flooded river. The dead body was not recovered.

In the facts and circumstances stated above, considering the submissions that petitioners were living separately from the deceased and her husband and, as such, the petitioners above named, are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bettiah, West Champaran in connection with Mainatand P.S. Case No. 83 of 2015 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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