

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7291 of 2016

Arising Out of PS.Case No. -179 Year- 2015 Thana -SIMRI District- BUXAR

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1. Piyush Kumar Gupta son of Chandrabhusan Gupta @ Birendra Kumar Gupta, resident of village- Rajapur (Nawrang Rai ke Dera), P.S.- Simri, District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.D. Yadav, Advocate
Mr. Parijat Saurav, Advocate.

For the Opposite Party/s : Mr. A.K.Choudhary(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 09-05-2016 Heard the learned counsel for the petitioner, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences punishable under sections 304 (B)/34 and 302 of the I.P.C

Upasana, the daughter of the informant, was married to the petitioner eleven years ago and allegedly after the marriage she was being tortured by her in-laws due to non fulfillment of demand of dowry. Panchayati was also done but on 07.09.2015 the informant received information that Upasana has been killed by the petitioner and other in-laws and then the informant went there and saw the police there and the police sent the dead body for

postmortem.

Submission is of false implication and that the First Information Report has been lodged on 08.09.2015, whereas, the inquest report and the postmortem report are dated 07.09.2015 itself, after postmortem and after due consultation this case has been lodged falsely, there is no material against the petitioner that he ever demanded dowry and without any legal and tangible material the petitioner is suffering in custody since 30.11.2015.

The learned A.P.P. duly assisted by the learned counsel for the informant seriously opposes prayer for bail by submitting that the deceased was being assaulted by the petitioner due to non fulfillment of his demand and two months prior to the date of occurrence Panchayati was done. During postmortem injuries on the head and the hand have been found.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such 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. Buxar in Simri (RDR OP) P.S. Case No. 179 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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