

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15595 of 2016

Arising Out of PS.Case No. -482 Year- 2015 Thana -TEKARI District- GAYA

1. Basisth Kumar @ Bashishtha Kumar Son of Sri Jodhan Sao Resident of Village - Mataie Panchanpur, P.S. - Tekari, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Atul Chandra(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-05-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner, who is the husband of the deceased, is languishing in jail custody since 04.1.2016 in a case registered for offences punishable under Sections 304(B), 201, 504, 506/34 of the I.P.C. and 3/4 of the Dowry Prohibition Act.

The prosecution case as lodged by one Ram Ekbal Sao, the father of the deceased (Aarti Kumari) is that the victim Aarti Kumari was married with the petitioner in the year 2008 and the victim was residing in sasural. It is alleged that she was tortured and assaulted by the family of the petitioner due to non fulfillment of the dowry demand and ultimately, she was killed.

It has been submitted by the learned counsel for the



petitioner that the petitioner is innocent, having committed no offence. He further submits that the deceased was suffering from breathlessness and she was shown to the doctor much before her death and in the month of September, 2015 the land were registered by the petitioner in favour of the deceased, as such they had good relations. He further submits that the date of occurrence is 05.9.2015 and F.I.R. has been lodged on 02.12.2015 which is after inordinate delay and no plausible explanation has been given. He further submits that the reason for the inordinate delay is that the wife of the petitioner died a natural death and there was a settlement between the parents of the deceased of transfer of land to the son of the deceased but later on they started demanding money for which he had filed Protest petition No. 3501/2015 against the informant (deceased father) on 01.12.2015 and as an after thought just on the next date of F.I.R. has been lodged, which arouses suspicion.

Learned A.P.P. for the State submits that the petitioner is named in the F.I.R. and the petitioner is already charge sheeted, hence, opposes the prayer for bail..

Be that as it may, since the F.I.R. has been lodged after inordinate delay and the deceased was suffering from breathless ness, which is supported by the medical prescription

and considering the fact that the petitioner is charge sheeted and he will not abscond or tamper with the evidence, the above named petitioner namely, Basisth Kumar @ Bashishtha Kumar is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- IX, Gaya in connection with Tekari P.S.Case No. 482/2015 (G.R. No. 6294 of 2015).

However, it is made clear that the petitioner will appear before the learned Court below as and when required and in case of absence for two consecutive dates without any reason or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the learned Court below.

(Nilu Agrawal, J)

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