

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32646 of 2015

Arising Out of PS.Case No. -39 Year- 2015 Thana -PANCHRUKHI District- SIWAN

1. Dharmendra Mahato Son of Mewalal Mahto resident of Village Ghorgahiya , Police Station - Pachrukhi, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Smt. Renu Kumari(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 13-01-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner seeks bail in a case for the offences punishable under sections 302, 201 and 34 of the I.P.C

Indu Devi, the daughter of the informant, was married to the petitioner eleven years ago and out of the wedlock there is a son aged about seven years and thereafter the petitioner developed illicit relationship with another girl which was being opposed by Indu Devi resulting on 28.02.2015 in the night she was killed by the petitioner and others and the petitioner informed the informant regarding her death and when the informant came the dead body was already cremated.

Submission is of false implication and that the



petitioner was leading happy conjugal life with his wife, no complaint was filed earlier regarding torture and assault, there is no allegation of demanding anything, there is no specific allegation against the petitioner, the wife of the petitioner died suddenly in the house due to some ailment, the petitioner has tried his best to save her life after consulting the local doctor, the petitioner was not having illicit relationship with any girl, the informant is not an eye witness of the occurrence and he is suffering in custody since 18.03.2015 having no criminal antecedent, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the informant was informed by the petitioner and then the informant came and participated in cremation but thereafter lodged this false case.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner is the husband.

In the facts and circumstances as stated above, considering that admittedly information was given by the petitioner to the informant regarding the death of his wife, 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. Siwan in Pachrukhi P.S. Case No. 39 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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