

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35034 of 2015

Arising Out of PS.Case No. -65 Year- 2015 Thana -AJAMNAGAR District- KATIHAR

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1. Mithun Singh son of Dara Singh resident of village - Tahirpur, Police Station - Azamnagar (Salmari O.P.), District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Prakash

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

7 12-01-2016 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 304 B and 120 B of the I.P.C

Kusum Devi, niece of the informant, was married to the petitioner about seven years ago and out of the wedlock there is one son and one daughter but she was being tortured by the mother-in-law and sister-in-law and further the petitioner used to assault her and ultimately she was done to death.

Submission is of false implication and that no offence under section 304 B I.P.C. is made out as nothing was demanded by way of dowry, there was cordial relation between the petitioner and his wife as both have performed inter-caste marriage without



dowry, wife of the petitioner was sentimental lady and due to some dispute she committed suicide by consuming poison, the doctor has not found any external injury on the person of the deceased and from chemical examination it is evident that aluminum phosphate commercially known as sulphas was found in the viscera and as such the petitioner who is suffering in custody since 07.05.2015 deserves sympathetic consideration as during investigation also the witnesses have not stated regarding assault committed by the petitioner or any demand made by the petitioner.

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 the charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the above named 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. Katihar in Azamnagar P.S. Case No. 65 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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