

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1117 of 2016

Arising Out of PS.Case No. -108 Year- 2014 Thana -ATRI District- GAYA

1. Gorelal Yadav Son of Sri Kailash Yadav @ Sukhari Yadav, Resident of Village - Dhaukalbigha, P.S. - Atri District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh

For the Opposite Party/s : Mr. Nagendra Prasad (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

4 04-04-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence punishable under section 304 (B)/34 of the I.P.C

Binny Devi, the daughter of the informant, was married to the petitioner in the year 2009 and allegedly due to non fulfillment of demand of motorcycle she was being tortured and ultimately was burnt and was brought for treatment in Sadar Hospital, Biharsharif where she died.

Submission is of false implication and that there was cordial relation between the petitioner and his wife, no demand of any kind was ever made, earlier there was no complaint of any kind, as a matter of fact the wife of the petitioner received burn injury at the time of cooking meal and this fact has come in

paragraph- 53 of the case diary, in supervision also this fact has come and as such the petitioner who is suffering in custody since 05.08.2015 deserves sympathetic consideration as charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

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 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 J.M. 1st Class, Gaya in Atri P.S. Case No. 108 of 2014, 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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