

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58479 of 2015

Arising Out of PS.Case No. -182 Year- 2015 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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Sheo Nath Rai S/O Late Gudar Rai Resident of Village - Bishunpurwa ,
P.S. - Adapur , District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 24-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Adapur
P.S. Case No. 182 of 2015 registered for the offences punishable
under Sections 304(B) and 201 of the Indian Penal Code.

Allegedly, Guriya Kumari, the daughter of the
informant was married to Rakesh Rai, the son of the petitioner five
years ago and due to non-fulfillment of demand of dowry by way
of motorcycle and she-buffalo, she was being tortured and
ultimately she was killed when she was pregnant of seven months
and her dead body was also cremated by petitioner and other in-
laws.



Submission is of false implication and that the deceased was pregnant of seven months and all of a sudden, labour pain and bleeding started and after getting information, the informant and his family members including his son Akhilseh Kumar came at the house of the petitioner, Guriya Kumari was being brought to hospital but unfortunately she died and in presence of her family members cremation was made, no demand was ever made, the son of the petitioner was enjoying marital life peacefully and out of the wedlock, there is a three years old male child also and, as such, the petitioner suffering in custody since 05.10.2015, deserves sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that all the accused persons have committed the crime.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the

learned S.D.J.M., Raxaul at Motihari in connection with Adapur P.S. Case No. 182 of 2015 subject to the conditions that one of the bailors must be 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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