

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68 of 2016

Arising Out of PS.Case No. -154 Year- 2013 Thana -BALIA District- BEGUSARAI

=====

Bablu Choudhary Son of late Dashrath Choudhary Resident of Village
Paharpur, P.s Ballia, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Dr. Indihar Kumari(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

4 26-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Ballia P.S.
Case No. 154 of 2013 registered for the offences punishable under
Sections 304(B) and 201/34 of the Indian Penal Code and Section
¾ of D.P. Act.

Allegedly, Rupam Kumari, the daughter of the
informant was married to Mankhush Chaudhary four years ago
and he started demanding motorcycle and allegedly, due to non-
fulfillment, all the accused persons sprinkled kerosene oil and the
petitioner lit the fire causing her death and at that time the accused
persons have closed the informant in a room.

Submission is of false implication and that the



informant version is not reliable, during investigation independent witnesses vide para 10, 11 and 12 and further one witness in para 9 have not supported the prosecution version. The petitioner is cousin *Bhaisur* and he is living separately since long, having no concern with the deceased or her husband. The deceased was earlier married to the elder brother of Mankhush Chaudhary and after the death of elder brother, she was married to Mankhush Chaudhary. There was no question of demand of dowry and torture and in this case father-in-law, Ram Chandra Chaudhary has already been allowed bail vide Cri. Misc. No. 37955 of 2014 by another co-ordinate Bench of this Court and the petitioner suffering in custody since 28.09.2015, deserves sympathetic consideration.

The learned A.P.P. submits that in the F.I.R. there is allegation against the petitioner to lit the fire but other independent witnesses have not supported the same and further during supervision also it was found that the deceased committed suicide after closing herself in a room.

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 C.J.M., Begusarai in connection with Ballia P.S. Case No. 154 of 2013 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)

sushma/-

U		T	
---	--	---	--