

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51529 of 2015

Arising Out of PS.Case No. -89 Year- 2015 Thana -RAFIGANJ District- AURANGABAD

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Rupesh Sharma son of Ram Chandra Sharma, Resident of Village- Aurawa,
P.S. Rafiganj, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh

For the Opposite Party/s : Mr. D.P.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 19-02-2016 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 offences punishable under sections 302, 306 and 201/34 of the I.P.C and section 3/4 of the Dowry Prohibition Act.

Sunita Devi, the sister of the informant, was married to the petitioner about six years ago and allegedly due to non fulfillment of demand of additional dowry she was being assaulted and ultimately was killed by the petitioner and his mother and cremated the dead body.

Submission is of false implication and that no offence under section 302 I.P.C. is made out, there are three children out of the wedlock, the wife of the petitioner died in an accident on the railway track as the women of the village used to attend the

call of nature after crossing the railway track in the early morning, prior to three days of the occurrence there was some quarrel for fixing the hand pump and after completing investigation charge sheet has been submitted under section 306 I.P.C. and as such the petitioner who is suffering in custody since 22.06.2015 deserves sympathetic consideration.

The learned A.P.P. fairly submits that the independent witnesses have stated that the wife of the petitioner committed suicide.

In the facts and circumstances as stated above, considering detention of the petitioner, now he 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. Aurangabad in Rafiganj P.S. Case No. 89 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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