

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2135 of 2017

Arising Out of PS.Case No. -158 Year- 2016 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

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Birendra Mistry Son of Bhagirath Mistry Resident of Village- Charuipar,
Police Station- Noorsarai, District- Nalanda. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Sri Abhay Kumar - 1

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 23-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Noorsarai
P.S. Case No. 158 of 2016 registered for the offence punishable
under Section 304B of the Indian Penal Code.

Sabnam Kumari, the daughter of the informant, was
married to this petitioner on 16.04.2016 and due to non-fulfillment
of demand of Rs. 2 lacs she was being tortured, resulting, the
daughter of the informant killed herself and the doctor declared
her dead.

Submission is of false implication and that the petitioner
is suffering in custody since 09.06.2016, chargesheet has been
submitted under Section 306 IPC, there is no chance of tampering
with prosecution evidence, during evidence independent witnesses



have stated that the deceased committed suicide as her father advised her not to do such illegal acts.

Learned APP fairly submits that chargesheet has been submitted under Section 306 IPC which is apparent from the impugned order.

In the facts and circumstances stated above, 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 Sub-Divisional Judicial Magistrate, Nalanda at Biharsharif in connection with Noorsarai P.S. Case No. 158 of 2016, 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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