

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10820 of 2017

Arising Out of PS.Case No. -91 Year- 2015 Thana -RUDRAPUR District- MADHUBANI

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Rajesh Kumar Jha Son of Hari Mohan Jha, Resident of Village-Mahrail,
P.S.-Rudrapur, District-Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

9 14-07-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
01.02.2016 in connection with Sessions Trial No. 177 of 2016,
arising out of Rudrapur P.S. Case No. 91 of 2015 registered for the
offence punishable under Sections 304(B) and 201/34 of the
Indian Penal Code.

The prosecution case, as lodged by the brother of the
deceased, Bhawana Devi, is that her husband (petitioner),
including in-laws and Nanad always used to torture his sister for
demand of dowry and due to non-fulfilment of the same, they have
killed and disposed of her dead body somewhere along with 12



months old child.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated only on the basis of confessional statement of one Vinay Jha, who is a distant relative and had evil eyes on his wife and has made false and concocted story, which is unreliable. He submits that there is no other eye-witness to the alleged occurrence and there is no demand of dowry and that charge-sheet has already been submitted and considering the period of custody a sympathetic view may be taken.

However, learned counsel appearing on behalf of the informant submits that and on the basis of statement of one Vinay Jha the dead body has been recovered from under the earth kept in a bag and from the postmortem report, it is evident that cause of death is bruises and throatling. He submits that petitioner along with his family members has killed his sister, hence, vehemently opposes the prayer for bail. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand



only) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Madhubani in connection with Sessions Trial No. 177 of 2016, arising out of Rudrapur P.S. Case No. 91 of 2015, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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