

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26471 of 2017

Arising Out of PS.Case No. -11 Year- 2016 Thana -SAKSOHRA District- PATNA

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Subhash Kumar, Son of Sunil Prasad, Resident of Village- Saksohra,
Police Station- Saksohra, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gouranga Chatterjee, Advocate

For the Informant : Mr. Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-07-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
03.09.2016 in connection with Saksohra P.S. Case No. 11 of 2016
for offences punishable under Sections 304B and 34 the Indian
Penal Code.

The prosecution case, as lodged by the brother of the
deceased, Juli Kumari, is that the petitioner along with her in-laws
has killed her due to non-fulfillment of dowry.

It has been submitted by the learned counsel for the
petitioner that he is innocent and being the husband of the
deceased, Juli Kumari, he has been falsely implicated in the
aforesaid case. He further submits that the independent witnesses



at para 6 and 7 of the supplementary case diary, have not supported the prosecution case, rather, stated that the deceased committed suicide by hanging in the room that was closed from inside. He further submits that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned counsel for the informant submits that within a year of marriage, wife of the petitioner has been tortured to death by the petitioner and his family members. He further submits that the post-mortem report also suggests that death was due to strangulation. Hence, vehemently opposes the prayer for bail.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-II-cum-Additional Chief Judicial Magistrate, Barh, in connection with Saksohra P.S. Case No. 11 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner, who would have sufficient immovable property within



the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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