

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29548 of 2017

Arising Out of PS.Case No. -71 Year- 2016 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Tunna Giri Son of Chuman Giri, Resident of Village- Pachkharwa, P.S.-
Kalyanpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Parmeshwar Mehta

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 08-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 10.11.2016 in
connection with Kalyanpur P.S. Case No. 71/2016 for offences
punishable under Sections 498-A, 304-B, 120-B of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that his daughter Babita Kumari was married to the petitioner
three years back and had a six month old child. The petitioner
along with family members used to torture her for demand of
motorcycle and gold chain and ultimately killed her by pouring
kerosene oil on her.



It has been submitted by the learned counsel for the petitioner that he is innocent, no such occurrence had ever taken place, there was no demand of dowry and the independent witnesses have not supported the prosecution case, rather they have stated that on being objected to go to see mela she poured kerosene oil on herself. It is submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and that the petitioner and his family members after burn injury had taken the deceased to the hospital but she succumbed during course of treatment, which has been corroborated by the informant also.

However, learned APP for the State opposes the prayer for bail stating therein that petitioner is the husband of the deceased.

Considering the facts and circumstances and the 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 9th Addl. Chief Judicial Magistrate, East Champaran at Motihari, in connection with Kalyanpur P.S. Case No. 71/2016, subject to the condition that one of the bailors would be a close relative of



the petitioner having 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 three consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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

