

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19272 of 2017

Arising Out of PS.Case No. -136 Year- 2016 Thana -DAUDNAGAR District- AURANGABAD

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Vikas Kumar @ Bhola, S/o Late Ram Pravesh Sharma, R/o village Arai,
P.S. Daudnagar, District - Aurangabad.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party : Mr. Ajay Kumar -2 (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 03-07-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Daudnagar P.S Case No. 136 of 2016 registered for the offence
punishable under Section 304(B)/34 of the Indian Penal Code

Allegedly, Sonali Devi was married to the petitioner
on 18.05.2013 and due to non-fulfillment of demand of cash of Rs.
2 lacs and one Passion Pro motorcycle she was being tortured and
assaulted by the petitioner and others and ultimately she was being
burn to death and dead body was also made traceless.

Submission is of false implication and that the wife
of the petitioner was in the kitchen to make water hot and at that
time she was burnt as there was leakage in gas stove, the petitioner



tried to save her and the hands of the petitioner were also burnt. The petitioner brought her at Daudnagar hospital and from there she was brought to Aurangabad Sadar hospital where she died on 05.08.2016, due information was given to the informant also. On the basis of statement of younger brother of the petitioner fardbeyan was lodged which is recorded in para 27 of the case diary. During inquest no sign of kerosene oil was found and further in postmortem report also the cause of death is due to burn injuries by fire. During investigation, the witnesses vide paras 11, 12, 22 and 23 of the case diary, have not supported the prosecution version and have stated regarding innocence of the petitioner and, as such, the petitioner deserves sympathetic consideration as he is in custody since 15.03.2017, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence..

Learned A.P.P. opposes the prayer of bail by submitting that the petitioner is the husband.

In the facts and circumstances stated above, considering that there is no chance of tampering with the prosecution evidence and, as such, petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction



of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad, in connection with Daudnagar P.S. Case No. 136 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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