

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21215 of 2017

Arising Out of PS.Case No. -16 Year- 2017 Thana -GOGRI District- KHAGARIA

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1. Indubhushan Jha @ Kumar Sourabh, Son of Late Sunil Jha, Resident of Village- Bhojua, P.S. Gogri, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Arti Kumar, Daughter of Shambhu Jha, resident of Village- Thatha, P.S. Mansi, District- Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Kishor Poddar, Advocate

For the Opposite Party/s : Mr. Madhuranand Jha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 06-07-2017 Heard learned counsel for the petitioner, learned A.P.P. for the State and the counsel appearing for opposite party no. 2.

Petitioner is languishing in custody since 16.01.2017 in connection with Gogari P.S. Case No. 16/17, G.R. No. 108/17, for the offences alleged under Sections 498-A, 325, 307, 364 of the Indian Penal Code.

The prosecution case, as lodged by the father-in-law of the petitioner, is that his daughter, opposite party no. 2, was married with the petitioner 12 years back and has two children out of the wedlock. All along, since the very beginning, the petitioner has been torturing her and on the fateful day he set her on fire on



which she received burn injury.

It has been submitted by the learned counsel for the petitioner that he is the husband, is innocent, no overt act has been committed by him and the victim lady herself left the house with the children, ornaments and documents. It is submitted that the victim lady in her statement under Section 164 Cr.P.C. had not made any such allegation against the petitioner. He submits that the charge-sheet has already been submitted, hence, there is no chance of tampering with the persecution evidence and that he undertakes to keep his wife with full dignity and honour.

However, learned counsel appearing for opposite party no. 2 submits that she has been subjected to torture from the very beginning and in her statement under Section 164 Cr.P.C. she has stated that the petitioner used to assault her and caused burn injury on her, hence, vehemently opposes the prayer for bail. He further submits that the opposite party no. 2 is ready to live with the petitioner if she is kept with full dignity and honour.

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 learned Judicial Magistrate, 1st Class, Khagaria in connection with Gogari P.S. Case No. 16/17, G.R. No. 108/17, subject to the condition that one of the bailors would be a close relative of the petitioner, who will file an affidavit indicating his relation with the petitioner and will have sufficient immovable property within the jurisdiction of the concerned police station/ court and will honour the undertaking that he will keep opposite party no. 2 with full dignity and honour, failing which the learned court below will be at liberty to cancel the bail bonds of the petitioner.

(Nilu Agrawal, J)

Rajesh/-

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