

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36446 of 2017

Arising Out of PS.Case No. -71 Year- 2016 Thana -BHAGWANPUR District- BEGUSARAI

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1. Brijdeo Rai Son of Bhola Rai @ Bhagat R/o Village- Chamtha, Number
Diyara, P.S.- Bachhawara, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
18.05.2016 in connection with Bhagwanpur P.S. Case No. 71 of
2016 for offences punishable under Sections 304-B, 201, 34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his daughter was married to the petitioner seven years back
and was always tortured by the petitioner and in-laws. Four days
back, she was turned out of her matrimonial house and she
returned to her parental house. On 24.03.2016 petitioner came to
his sasural and took away his wife and 2 year old son. Thereafter



the deceased returned alone with her child and went again. On the next day her dead body was found in the maize field.

It has been submitted by the learned counsel for the petitioner that he is innocent and just because he is the husband he has been made accused in the present case. He submits that the marriage is seven years back, and, as such, no offence under Section 304-B of the IPC is made out. He further submits that nobody has seen the occurrence and the petitioner has been implicated only on the basis of suspicion. It is further submitted that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and the death occurred in the parental house of the deceased.

However, learned APP for the State opposes the prayer for bail.

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 Chief Judicial Magistrate, Begusarai, in connection with Bhagwanpur P.S. Case No. 71 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner,



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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