

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53272 of 2016

Arising Out of PS.Case No. -33 Year- 2015 Thana -BHAIRABASHTHAN District- MADHUBANI

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Ramesh Mukhiya S/o Jhabru Mukhiya, Resident of Village- Ojhaul
(Gopalakha), P.S.- Bhairavsthan, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ankit Katriar, Advocate
Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

8 25-08-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
10.05.2016 in connection with Bhairav Asthan P.S. Case No. 33 of
2015 registered for the offence punishable under Sections 302,
201 and 120(B) of the Indian Penal Code.

The prosecution case is, as lodged by the brother of
the deceased, Domni Devi, is that she was married to the petitioner
in the year 1996 and since the petitioner had affair with his
younger brother's wife, Shanti Devi, there was fight between them
and the petitioner used to torture his wife and killed her eventually
and the dead body was burnt and cremated without the knowledge



of the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent, the deceased lady died due to snake-bite. One of the minor sons of the deceased in his statement under Section 164 of the Cr.P.C. has stated that she died due to snake-bite, but another son in his statement under Section 161 of the Cr.P.C. has stated that she has been killed by the petitioner, hence, there is contradiction in the prosecution version. He submits that considering the period of custody, a sympathetic consideration be given.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the witnesses have supported the prosecution case.

Considering the facts and circumstances and the materials on record as well as the period of custody, 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 the learned Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani in connection with Bhairav Asthan P.S. Case No. 33 of 2015, subject to the condition that one of the bailors would be a close relative of the



petitioner and that petitioner will appear before the learned Court below on each and every date 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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