

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6083 of 2017

Arising Out of PS.Case No. -268 Year- 2016 Thana -PHULWARI District- PATNA

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1. Ashish Kumar, S/o Mukesh Kumar Singh @ Sukesh Kumar Singh @ Mukesh Singh @ Sukesh Singh, R/o at village - Nawada, Purwari Tola, P.S.-Phulwarisharif, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.6360 of 2017

Arising Out of PS.Case No. -268 Year- 2016 Thana -PHULWARI District- PATNA

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1. Mukesh Kumar Singh @ Sukesh Kumar Singh @ Mukesh Singh @ Sukesh Singh S/o Late Durga Prasad Singh, Resident of Village- Nawada, Purwari Tola, P.S.- Phulawarisharif, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.6083 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar @ Manu

For the Opposite Party/s : Mr. Sri Arun Kumar

(In Cr.Misc. No.6360 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar @ Manu

For the Opposite Party/s : Mr. Sri Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 29-03-2017 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code and



Section 34 of Dowry Prohibition Act. Both the above Cr. Misc. arising out of Phulwarisharif P.S. Case No. 268/2016, corresponding to S.Tr. No. 733/2016, pending in the Court of Additional Sessions Judge X, Patna.

Earlier the prayer for bail of the petitioners was rejected by this Court vide order dated 01.12.2016 passed in Cr. Misc. No. 39820/2016.

The submission on behalf of the petitioners is that in course of investigation the CCTV footage of the concerned hospital was verified and it was initially found by the I.O. that the son-in-law of the petitioner in Cr. Misc. No. 6360/2017 had dropped the deceased in front of hospital, but subsequently, the Investigating Officer claimed that it was brother of the petitioner in Cr. Misc. No. 39820/2016, who dropped the deceased in front of hospital. To fortify the aforesaid contention, he referred paragraphs 48, 56 and 125 of the case diary.

Petitioner of Cr. Misc. No. 39820/2016 happens to be husband of the deceased and it is admitted position that the deceased died within five years of her marriage in abnormal circumstances. There is allegation of illegal demand and torture.

So far as the petitioner of Cr. Misc. No. 6360/2017 is concerned, he happens to be father-in-law of the deceased and is



languishing in jail custody since 10.05.2016. The circumstantial evidence collected by the I.O. in course of investigation goes to show that it were other persons who had dropped the deceased in front of hospital.

Therefore, considering the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to release the petitioner, namely, Ashish Kumar in Cr. Misc. No. 6083/2017 on bail and hence, his prayer for bail stands rejected.

So far as the petitioner, namely, Mukesh Kumar Singh @ Sukesh Kumar Singh @ Mukesh Singh @ Sukesh Singh in Cr. Misc. No. 6360/2017 is concerned, the above said petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ms. Seema Earm, Judicial Magistrate 1st Class, Patna in connection with Phulwarisharif P.S. Case No. 268/2016, corresponding to S.Tr. No. 733/2016.

(Hemant Kumar Srivastava, J.)

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