

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21153 of 2017

Arising Out of PS.Case No. -155 Year- 2016 Thana -DHANARUA District- PATNA

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1. Shyam Bihari @ Shyam Bihari Choudhary @ Baleshwar Choudhary Son of late Mauji Choudhary Resident of Village- Majhauri, Police Station Dhanarua, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 07-07-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in custody since 20.05.2016 in connection with Dhanarua P.S. Case No. 155/16, G.R. No. 455/16, for offences punishable under Sections 324, 307/34 of the Indian Penal Code.

The prosecution case, as lodged by the mother of the victim Pinki @ Habeli Devi, is that the petitioner, who is the husband, has slit her throat for non-fulfillment of demand of dowry.

It has been submitted by the learned counsel for the petitioner that he is innocent, there is no eye-witness to the



alleged occurrence and charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. He submits that considering the period of custody a sympathetic view may be taken, as the victim lady has not been examined nor the medical report is there stating that she cannot speak because of said injury.

However, learned APP for the State submits that the injury has been found to be grievous in nature, petitioner is the husband and named in the First Information Report, hence, opposes the prayer for bail.

Considering the facts and circumstances and the period of custody, 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 Sub-Divisional Judicial Magistrate, Masaurhi, Patna, in connection with Dhanarua P.S. Case No. 155/16, subject to the condition that one of the bailors would be a close relative of the petitioner, who would have sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner shall appear before the learned court below during trial 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)

Rajesh/-

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