

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26883 of 2017

Arising Out of PS.Case No. -282 Year- 2016 Thana -RAJAUN District- BANKA

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Nandu Ram Son of Late Tuki Ram resident of Village Darapa, P.S. Rajoun,
District Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey

For the Opposite Party/s : Mr. Smt. Meena Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 11-09-2017 Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner is languishing in judicial custody since
30.08.2016 in connection with S.T. No. 02 of 2017 arising out of
Rajoun P.S. Case No. 282 of 2016 for offences punishable under
Sections 302, 498A, 201 and 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his daughter was married to the petitioner 12 years back, she
was always tortured and physically assaulted, has two sons and
one daughter out of the wedlock, has been killed by the petitioner
who is her husband and other inlaws and her dead body was
recovered in a well.

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 witnesses have only stated that there was fight between the petitioner and his wife who assaulted her. He submits that he had himself gone to search his wife as she had gone to attend natural call in the morning and did not return and except suspicion there is no other allegation against the petitioner. He submits that he undertakes to cooperate in the trial and that considering the period of custody of more than one year sympathetic consideration be given as three children are surviving out of the wedlock. He submits that Section 498A is not applicable as there was no demand of dowry and that marriage is 12 years old.

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 Additional District and Sessions Judge-1st Banka in connection with S.T. No. 02 of 2017 arising out of Rajoun P.S. Case No.282 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, 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.

Registry is to send the viscera report under sealed cover to the learned court below.

(Nilu Agrawal, J)

Devendra/-

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