

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42242 of 2017

Arising Out of PS.Case No. -26 Year- 2017 Thana -BISHWAMBHARPUR District- GOPALGANJ

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1. Sandeep Pathak, Son of Late Subhash Pathak, resident of Village- Binod Matihinia, P.S.- Bishambharpur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 27-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 25.03.2017 in connection with Bishambharpur P.S. Case No. 26 of 2017 for offences punishable under Sections 304-B/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that his daughter was married to the petitioner in the year 2016 and for non-fulfillment of demand of dowry she was tortured and burnt by pouring kerosene oil. She was taken to the hospital at Gorakhpur but never regained consciousness and died just after four days of the occurrence due to burn injury.



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. He submits that the marriage was a love marriage, which the informant objected and poured kerosene oil on the deceased and the petitioner, for which petitioner is also undergoing treatment for burn injury in custody. He further submits that there was no demand of dowry by the petitioner, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

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

Considering the facts and circumstances and the materials on record as well as the injury report of the petitioner, which was called for, which suggests burn injury on various parts of the body, 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 10th A.C.J.M., Gopalganj, in connection with Bishambharpur P.S. Case No. 26 of 2017, subject to the conditions that :

- (i) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who



will file an affidavit stating their relationship with the petitioner.

- (ii) 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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