

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17539 of 2017

Arising Out of PS.Case No. -29 Year- 2016 Thana -GUTHNI District- SIWAN

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1. Surendra Pal Son of Bhukhal Pal, Resident of village - Guthni, Police Station Guthni, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Bharat Lal, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-06-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 25.07.2016 in connection with Guthni P. S. Case No. 29 of 2016 registered for the offence punishable under Sections 304 (B)/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that the marriage of his sister, Sanju Devi was solemnized with the petitioner in the year 2015 but after lapse of some months, she was subjected to mental cruelty and harassment due to non-fulfillment of illegal demand of dowry and subsequently, she was killed by being burnt.

It has been submitted by the learned counsel for the



petitioner that being the husband, he has been roped in the aforesaid offence, in fact, he is innocent and has committed no overt act. It has further been submitted that the petitioner, who is the husband of the deceased, was not present at the time of occurrence, as witnesses have stated that he had gone to the R.B.T. School and her mother-in-law had gone for X-ray of her leg. It is further submitted that the witnesses have found that the smoke was coming out from the house of the petitioner and found that the petitioner's wife bolted the room from inside and after breaking the door, they found that deceased was burnt. It has further been submitted that the family members of the petitioner informed the informants' side and they participated in funeral and as an after thought, the petitioner has been falsely implicated. It has further been submitted that charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report and being the husband, he was responsible for the cause of death of his wife (deceased) by causing burn injury, hence, opposes the prayer for bail.

Considering the facts and circumstances and materials on record and the fact that charge sheet has already been submitted



against the petitioner, let the petitioner, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Gudthni P.S.Case No. 29 of 2016, subject to the condition that the petitioner will cooperate with the investigation, if pending and also directed to appear before the Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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