

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9509 of 2017

Arising Out of PS.Case No. -48 Year- 2016 Thana -DARPA District-
EASTCHAMPARAN(MOTIHARI)

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1. Shivshankar Prasad @ Sheo Shankar Prasad, S/o Late Lalbabu, Resident
of Village- Narakatiya, P.S.- Darapa , District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Sri Sakir Ahmad (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 27-04-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Darpa
P.S Case No. 48 of 2016 registered for the offence punishable
under Section 304B/34 of the Indian Penal Code.

Ragini Devi the daughter of the informant was
married with the son of the petitioner on 09.05.2015 and due to
non-fulfillment of demand of motorcycle, gold chain and cash of
Rs. 50,000/- she was killed by the petitioner and other in-laws,
after burning her by sprinkling kerosene oil on her body, out of the
wedlock there is five months old dagher which has also been
made traceless and family members were absconding.

Submission is of false implication and that the



petitioner is an old father-in-law, he has been living separately having no concern with the family affairs of the deceased and her husband, during investigation independent witnesses vide para nos. 45, 46, 47, 50 and 51 of the case diary, have stated that the deceased was burnt with gas cylinder when she was cooking and at that time nobody was present in the house, some of the witnesses have only stated regarding presence of the husband, no forensic examination was done to the body of the deceased as to whether there was presence of kerosene oil or not and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail, but fairly submits that the petitioner is old father-in-law.

In the facts and circumstances stated above, considering the statement of independent witnesses who have not supported the prosecution case and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul, East Champaran, in connection with Darpa P.S. Case No. 48 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned



and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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