

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41982 of 2017

Arising Out of PS.Case No. -485 Year- 2015 Thana -MAHUA District- VAISHALI(HAJIPUR)

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Chandan Kumar Sah @ Chandan Kumar Sao S/o Kusheshwar Sah @
Parmeshwar Sao resident of Village - Chatwara, Raibhan P.S. Mahua, Distt
- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri

For the Opposite Party/s : Mr. Smt. Rita Verma

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 01-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 21.04.2017 in
connection with Mahua P.S. Case No. 485 of 2015, G.R. No. 4782
of 2015 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 Soni Devi was married to the petitioner two years
back and has a son out of the wedlock. The petitioner along with
the in-laws of the deceased always tortured her for non-fulfillment
of one lac dowry and a motorcycle and has burnt his daughter by
pouring kerosene oil and she died during course of treatment.



It has been submitted by the learned counsel for the petitioner that he is innocent and being the husband he has been falsely implicated in the aforesaid case. He submits that although the date of occurrence is 19.08.2015 but F.I.R. has not been lodged earlier which was only lodged after delay of nearly 27 days on 15.09.2015. He submits that during course of treatment the petitioner and in-laws along with informant's family were always present in the hospital and while cooking food the deceased got burnt. He submits that charge-sheet has already been submitted and he undertakes to comply with all the conditions. It is further submitted that none of the witnesses have seen the occurrence and the witnesses are only interested witnesses.

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 Chief Judicial Magistrate, Hajipur District-Vaishali in connection with Mahua P.S. Case No. 485 of 2015, G.R. No. 4782 of 2015 subject to the conditions that:



- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) 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)

Devendra/-

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