

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16918 of 2017

Arising Out of PS.Case No. -263 Year- 2016 Thana -ARA MUFFSIL District- BHOJPUR

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Rakesh Kumar, son of Sri Parmod Kumar Yadav @ Parmod Yadav,
Resident of Village- Chotki Sandiha, Police Station- Ara Muffasil, District-
Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Pd.Singh, Sr.Advocate
with Mr. Amrit Anunay, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 21-06-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with Ara
Muffasil P.S.Case No. 263 of 2016 registered for the offences
punishable under Sections 304B/34 of the Indian Penal Code.

Petitioner is the husband of the deceased and there is
allegation of dowry death against the petitioner.

It has been submitted on behalf of the petitioner that
material has come during course of investigation that deceased had
illicit relationship with brother-in-law (Bahnoi) and due to that she
committed suicide by hanging herself. It has also been submitted
that post mortem report does not show as to how she died and after
viscera was preserved nothing has come in the viscera report,



which has been called for by this Court. It has also been submitted that from the case diary it appears that earlier charge-sheet was submitted under Section 304B IPC but later on supplementary charge-sheet has been submitted under Section 302 IPC and petitioner is in custody for about nine months.

Heard learned APP also, who has opposed the prayer for bail stating that in paragraph-21 of the case diary independent witness has stated that there was dispute between husband and wife and due to that she was killed.

Having heard both sides and considering the aforesaid facts and circumstances and also considering the fact that cause of death was not ascertained and even viscera report does not show anything about the death and he is in custody for nine months, let the petitioner, named above, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur, Ara, in connection with Ara Muffasil P.S.Case No. 263 of 2016, G.R.No.4578 of 2016, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.



(ii) The petitioner will not induce any witness or tamper with the evidence.

(iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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