

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3556 of 2018

Arising Out of PS.Case No. -234 Year- 2017 Thana -BHANGWANPUR HAT District- SIWAN

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Mahesh Singh, S/o Late Ragho Singh, resident of Village- Nagawa, P.S.-
Bhagwanpur, Hatt, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Sri Kumar Ranjit Ranjan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
05.11.2017 in connection with Bhagwanpur Hatt P.S. Case No.
234 of 2017 for offences punishable under Sections 304B/34 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his sister's marriage was solemnized with the petitioner in the
year 2011 and she has been burnt on account of non-fulfillment of
demand of Rs. 500000/- and ultimately succumbed to the injuries
during course of treatment.

It has been submitted by the learned counsel for the
petitioner F.I.R. has been lodged after inordinate delay of 48 days



and no plausible explanation has been given. He submits that just because he is the husband, he has been roped rather the mother-in-law was an attesting witness to the fardbeyan and in dying declaration of the deceased Vandana Devi who had stated that she was burnt while cooking food. He submits that the petitioner was not at the place of occurrence rather he was at Delhi and his wife met an accidental death. He submits that 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, 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, Siwan in connection with Bhagwanpur Hatt P.S. Case No.234 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner, who will file an affidavit stating his 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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