

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27688 of 2018

Arising Out of PS. Case No.-450 Year-2016 Thana- BIHPUR District- Bhagalpur

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Gangesh Kumar Mishra @ Gangesh Mishra @ Ganesh Kumar Mishra S/o
Arun Kumar Mishra @ Arun Mishra, R/o Vill.- Amarpur, P.S.- Bihpur,
District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey

For the Opposite Party/s : Md. Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 25-07-2018 A supplementary affidavit has been filed during
the course of hearing of the petition.

Let it be taken on record.

The petitioner has renewed his prayer for bail
which was earlier dismissed as withdrawn vide order
dated 07.12.2017 passed in Cr. Misc. No. 45052 of
2017.

The petitioner is the husband of the deceased.

Though, the FIR was lodged by the father of
the deceased under Section 304B of the Indian Penal
Code but the charge sheet in this case has been
submitted under Sections 306 and 328 of the Indian
Penal Code.

It has been alleged in the FIR that after the
marriage of the deceased with the petitioner, she gave



birth to two children. However, because of the ill-treatment meted out to her in her matrimonial home, she consumed poison. The informant has also stated that he was informed on telephone that the deceased had been brought to the clinic of one Dr. B.P. Chaudhary where she died.

It has been submitted on behalf of the petitioner that the investigation reports would reveal that the petitioner had brought the deceased to the hospital. Had there been any intention of the petitioner to goad the deceased to commit suicide, he would not have taken the pains of bringing his wife (deceased) to the clinic of a private doctor for treatment. That apart, it has been submitted that the father of the deceased was duly informed about the serious condition of the deceased. The allegation of torture does not *prima facie* appear to be correct, it has been argued, because a happy married life existed which is evident from the fact that the deceased gave birth to two children and was staying in her matrimonial home.

The petitioner is in custody since 26.07.2017.

Four witnesses who have been examined at the trial have not supported the prosecution version and all of them have been declared hostile. Their deposition has been brought on record by way of supplementary



affidavit which has been filed today.

Regard being had to the aforesaid facts, the petitioner above named is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge, Naugachia (Bhagalpur) in connection with Sessions Trial No. 883 of 2017, arising out of Bihpur P.S. Case No. 450 of 2016.

However, the petitioner shall participate in the trial proceedings and his absence from the trial proceedings for two consecutive occasions without any plausible reason or without seeking permission from the trial court would entitle the trial court to proceed for cancellation of bail of the petitioner.

(Ashutosh Kumar, J)

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