

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49806 of 2018

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1. Balam Rikhiyasen @ Balam Rikhiyasen, S/o Yadu Rikhiyasen @ Yadu Rikhiyasen, Resident of Village- Dhoshila Kala, P.S.- Rafiganj, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Meena Singh, Advocate.

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 29-10-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Rafiganj P.S. Case 81 of 2017 instituted for the offence under Sections 304(B), 201 and 34 of the Indian Penal Code.

Petitioner is husband of the deceased. He is in custody since 14.06.2017.

Counsel for the petitioner submits that charge has been framed on 17.11.2017 but not a single witness has been examined in the case. Counsel for the petitioner further submits that witnesses in paragraphs-3 to 13 have already stated that they have learnt about the occurrence from the informant. They have not levelled any allegation against the petitioner.

In the written report it is alleged that on the date of occurrence, the informant had gone to Sasural of his sister where



he along with his sister was assaulted and abused by the petitioner. Thereafter, he left his sister there and came to his house. In the evening at about 7:00 p.m. the informant got information that his sister has been burnt to death. Thereafter, on the next date at about 11:00 a.m. the informant along with his family members went to the house of his sister but he did not find his sister there.

Case diary has been received.

Learned A.P.P. after looking into the case diary has submitted that there is no any post mortem report in the case diary.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released 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 Sessions Judge, Aurangabad, in connection with Rafiganj P.S. Case 81 of 2017, subject to the condition that both the bailors will be the close relatives of the petitioner.

The petitioner will cooperate in conclusion of the trial. He will remain present on each and every date of trial till disposal of the case. He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial. In the event of default of two consecutive dates without valid reason, his bail bonds will liable to be cancelled.

S.Ali/-

(Sanjay Priya, J)

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