

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59957 of 2018

Arising Out of PS.Case No. -33 Year- 2018 Thana -MADANPUR District- AURANGABAD

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1. Santan Bhuiyan S/o Marchhu Bhuiyan, R/o Vill.- Aajan Tola, P.S.-
Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 20-11-2018 Heard the parties.

The petitioner seeks regular bail in connection with Madanpur P.S.Case No.33 of 2018 dated 4.2.2018 registered for offences punishable under Sections 304(B), 201/34 of the Indian Penal Code.

Allegation against the petitioner who happens to be husband is of dowry death.

Submission of the learned counsel for the petitioner is that she was suffering from stomach pain and during the treatment she died and the same was informed to the informant also but as he did not come at that time, she was cremated. It has further been submitted that there is delay of four days in lodging the FIR and the same has been lodged with ulterior motive and the aforesaid fact will also appear from the case diary in which the witnesses



have stated that she was suffering from stomach pain and she died.

Heard learned A.P.P. also, who has opposed the prayer for bail but considered this fact that the during the investigation, witnesses have stated that she was suffering from the stomach pain and she died and the matter was informed to the informant also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Aurangabad in connection with Madanpur P.S.Case No.33 of 2018.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and in the event of failure to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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