

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37698 of 2018

Arising Out of PS. Case No.-316 Year-2016 Thana- BAKHTIARPUR District- Saharsa

Shiv Nandan Kumar Son of Chandeshwari Yadav @ Bhogal Yadav Resident
of village -Ghoghsan, Police Station- Bakhtiyarpur (Kanariya O.P.) District-
Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shashi Dhar Jha, Adv.

For the Opposite Party : Mr. Rajendra Singh Shastriji, A.P.P.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

5 11-09-2018 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with S.T. No. 115 of 2017 arising out of
Bakhtiyarpur (Kanariya O.P) P.S. Case No. 316 of 2016
registered for the offences punishable under Sections 302/34 of
the Indian Penal Code and under Section 27 of the Arms Act.

Informant who is the brother of the deceased has
stated in his written complaint that marriage of her sister Kabita
Devi was solemnized with petitioner in 2007 and sufficient
presents and gifts worth Rs. 2,00,000/- and one motorcycle
were given at the time of Bidagiri. It has been alleged that when
petitioner got job in Indian Army he started demanding Rs.
5,00,000/- as dowry and on refusal he has started torturing her.
It has been alleged that petitioner called him on mobile and said



that he is sending Kabita Devi at Dengrahi Ghat, but she was found shot dead under mysterious circumstances. Allegation is that petitioner has killed his wife. Petitioner states that he is innocent and there was no reason to murder his wife. They had a daughter and deceased was pregnant and she was brought for medical check-up. They were leading a happy married life. Demand of dowry after 10 years of marriage is not believable. Informant is not eye witness. He has no criminal antecedent and he is in custody since 01.09.2016.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Saharsa, in connection with S.T. No. 115 of 2017 arising out of Bakhtiyarpur (Kanariya O.P.) P.S. Case No. 316 of 2016, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner should co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without



proper and valid reason trial court shall have liberty to
cancel their bail bond.

(3) If the petitioner tampers with the evidence or the
witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Rajiv/manoj

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