

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51396 of 2018

Arising Out of PS.Case No. -827 Year- 2015 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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1. Brajesh Kumar @ Brajesh Pandey @ Brijesh Kumar Pandey S/o
Gobardhan Pandey, R/o Vill.- Chhariyari, P.S.- Makhdumpur, District-
Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bachaspati Pandey S/o Late Kamla Pandey, R/o Vill.- Saraiya, P.S.-
Dariyapur, District- Saran at Chapra.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Sri Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 26-09-2018 Heard learned counsel for the petitioner, the informant
and the learned A.P.P. for the State.

The petitioner seeks bail in Complaint Case No.
827/2015, instituted for the offences under Sections 304(B) and 34 of
the Indian Penal Code.

Learned counsel for the petitioner has submitted that
petitioner is husband of deceased. Case was initially registered on the
basis of F.I.R. lodged by father of the deceased. The police
investigated the case and submitted final form as mistake of fact. The
complainant had also filed protest petition and learned Magistrate
after holding enquiry found *prima facie* case under Section
304(B)/34 of the Indian Penal Code.



Post-mortem report of the deceased is enclosed as Annexure-2, wherein doctor has found cause of death due to Rheumatic heart disease leading to ventricular fibrillation and ultimately sudden death. It is also mentioned in the post-mortem report that no external injury on the body was found and no ligature mark was seen on the body of deceased.

Learned counsel for the informant has submitted that deceased was done to death by pressing her neck.

It appears that post-mortem report is not supporting the allegation of strangulation.

The petitioner is in custody since 29.05.2018.

Considering the aforesaid fact and circumstances, prayer of the petitioner for grant of bail 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 the learned Chief Judicial Magistrate, Jehanabad in Complaint Case No. 827/2015, subject to the conditions that

- (i) both the bailors shall be the close relative of the petitioner.
- (ii) petitioner shall be present on each and every date fixed by the court and absence on two consecutive dates without valid reason will result in cancellation of bail



bond of the petitioner and

(iii) if petitioner tamper with the evidence in the case, prosecution will be at liberty to move for cancellation of bail bond of the petitioner.

(Sanjay Priya, J.)

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