

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5660 of 2019

Arising Out of PS. Case No.-290 Year-2018 Thana- BARBIGHA District- Sheikhpura

AKHILESH KUMAR Rambalak Singh Resident of Village- Birpur, Police
Station- Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 07-02-2019 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Informant.

Petitioner, who is in custody, seeks bail in
connection with Barbigha P.S. Case No. 290 of 2018 registered
for the offence punishable under Sections 302/498(A)/34 of the
Indian Penal Code.

Informant is the mother of deceased, who in her
fardbeyan has stated that she had married her daughter Kanchan
Devi with petitioner and thereafter she was being tortured for
non-fulfillment of demand of dowry. She was informed that her
daughter has been injured and is being treated in Hospital. She
went to the hospital thereafter her daughter was being carried
for better treatment to Biharsharif, however, she died in the way.



She has alleged that FIR named accused including petitioner have killed her daughter by administering poison to her.

It has been submitted on behalf of the petitioner that demand of dowry and torture is false. Police has found the cases not to be true against other accused named in FIR and they have not been sent up by the police. In post mortem report the cause of death is Asphyxia. The police has also submitted charge sheet under Section 306 of IPC. Petitioner has no criminal antecedent and he is in custody since 11.10.2018.

Learned Counsel for the informant and State has vehemently opposed the prayer for grant of regular bail to the petitioner.

Considering the aforesaid facts 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 Additional Chief Judicial Magistrate, Sheikhpura, in connection with Barbigha P.S. Case No. 290 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two



consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his 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)

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