

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1857 of 2019

Arising Out of PS. Case No.-127 Year-2018 Thana- UCHKAGAON District- Gopalganj

Dharmendra Ram son of Harihar Ram Resident of Village- Jhirwan, P.S.-
Uchkagaon, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 07-03-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner being the husband has been in custody since 22.11.2018 in connection with Uchkagaon P.S. Case No. 127 of 2018 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the marriage between the petitioner and the deceased lady had taken place twenty years back and they had been living peacefully. It was only with the consent of the deceased lady that the petitioner had re-married as she was not being able to bear a child. Subsequently, the petitioner got married in the year 2012 after which he had two children. The petitioner, his wife (the deceased lady) and the second wife and their children were living together since 2012. He thus submits that there was no



animosity or difference between them so as to occasion such an occurrence and the entire allegation against the petitioner is based on pure suspicion. Learned counsel for the petitioner further submits that the deceased lady caught fire while cooking and, therefore, the informant's side have become suspicious and have filed the present case. He further submits that none of the witnesses have supported that fact that the deceased lady was being tortured by the petitioner. It is also submitted that, till date, none of the family members had ever complained regarding any act of torture being meted out to the deceased lady by the petitioner. He next submits that the entire case is based on conjecture and surmise, the petitioner is entitled to the privilege of bail.

Diary in the present case was called for which has since been received.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that save and except the suspicion raised against the petitioner on account of the fact that the deceased lady had died of burn injuries and there is no further material in the case diary. On the contrary, at paragraph No. 5 of the case diary, an independent witness has stated that till date none of the persons associated with the lady or his



family has ever raised any complaint against the petitioner for having tortured the deceased lady.

Considering the aforementioned facts and circumstances and there being no cogent material in the case diary, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Gopalganj, in connection with Uchakagaon P.S. Case No. 127 of 2018, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the



State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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