

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75653 of 2018

Arising Out of PS. Case No.-10 Year-2018 Thana- CHANDRADIP District- Jamui

Rajesh Kumar S/o Arjun Sao, R/o Village- Sahorha, P.S.- Chandradeep,
District- Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Binit Kumar

For the Respondent/s : Mr.Sri Nand Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-01-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner who is languishing in judicial custody since
26.06.2018 in connection with Chandradip P.S. Case No. 10 of
2018 for offences punishable under Sections 498(A), 304(B)
read with 34 of the Indian Penal Code.

The prosecution case as lodged by the informant who
is brother of deceased Resham Kumari is that his sister was
married to the petitioner in the year 2011 and bore two children.
It is alleged that the petitioner along with his two married sisters
have beaten his sister Resham Kumari and locked her in a room
on 08.01.2018. The informant took his sister to the hospital on
09.01.2018 who died in the hospital on 11.01.2018.

It has been submitted by the learned counsel for the



petitioner that he is innocent and just because he is the husband, he has been made accused in the present case. He further submits that own cousin aunt of the deceased has stated in para-12 of the case diary that the deceased had contacted cold for which she came and give her hot massage. It has further been submitted that the statement of two 3-4 year old children of the deceased is descriptive which could not have been given by a 3-4 year old child. He further submits that the inquest report only suggests some bruise near the eye and the postmortem report also does not specify any ligature or black mark on the neck although the finding is compression of neck which is contradictory. He further submits that the deceased had contacted cold for which she was taken to the hospital and died. It is further submitted that charge-sheet has already been submitted and the petitioner is languishing in judicial custody since more than six months.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record, let the petitioner above named be enlarged 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 Judicial Magistrate, 1st Class, Jamui
in connection with Chandradip P.S. Case No. 10 of 2018,
subject to the conditions:-

(1) One of the bailors would be close relative of the
petitioner having sufficient immovable properties, who will file
an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned Court
below during trial as and when required and failure to appear on
two consecutive dates without assigning any reason will entail
cancellation of his bail bonds.

(Nilu Agrawal, J)

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