

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49598 of 2019

Arising Out of PS. Case No.-23 Year-2014 Thana- MARAUNA District- Supaul

Jai Prakash Mukhiya S/O Upendra Mukhiya Resident Of Village- Jovaha,
P.S.- Marauna, District- Supaul ... Petitioner

Versus

The State Of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Nafisuzzoha, Advocate

For the Opposite Party : Mr.Ashok Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 06-11-2019 Heard learned counsel for the petitioner as well
learned counsel for the State and perused the case diary.

Petitioner, who is husband of the deceased, is an
accused in a case registered for the offence punishable under
sections 304B,201/34 of the Indian Penal Code.

The informant alleged that on 17.3.2014 his daughter
informed him that her in-laws including her husband (the
petitioner) assaulted her for non-fulfilment of demand of
motorcycle and when he reached her matrimonial house, he
learnt that the accused persons had already killed his daughter
by hanging her. They also disposed of the dead body secretly.

Learned counsel for the petitioner submits that the petitioner has
falsely been implicated in this case because of being husband of
the victim. Further, FIR was lodged for the offence under
sections 304B, 201/34 of the Indian Penal Code but police filed
charge sheet for the offence under sections 306, 201/34 of the
Indian Penal Code. It is also submitted that no eye witness to the
occurrence has turned up in course of the trial and in a separate
trial of the other accused persons also, no prosecution witness
including the informant has supported the prosecution case



in the trial. Similarly situated other co-accused, namely, Upendra Mukhia has already been allowed bail by a bench of this Court vide order dated 3.3.2015, passed in Cr.Mis.No. 47972 of 2014. Petitioner is in custody in the instant case since 7.6.2019 and charge sheet has already been filed in the case, as such, there is no chance of tempering with the evidence.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, 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 Addl. Chief Judicial Magistrate 1st Supaul in Marauna Police Station Case No. 23 of 2014, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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