

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36550 of 2015

Arising Out of PS.Case No. -113 Year- 2013 Thana -NAUBATPUR District- PATNA

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1. Radhey Shyam Chauhan Son of Late Sakaldeep Chauhan resident of
village - Paltu Chhatni, Police Station - Naubatpur, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajanan Mishra

For the Opposite Party/s : Mr. Abhay Kumar 1 (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 30-11-2015 Heard learned counsel for the petitioner, learned

counsel representing the State and learned counsel for the

informant.

The petitioner seeks bail in connection with

Naubatpur P.S. Case No. 113 of 2015 registered for the offence

punishable under Sections 304B/34 of the Indian Penal Code and

Sections 3 and 4 of Dowry Prohibition Act.

Babita Kumari the daughter of the informant was

married with the petitioner four years ago and it was learnt on

26.04.2014 that his daughter has been burnt resulting she died. It

is alleged that the petitioner used to demand money and for that

used to assault her along with other co-accused.

Submission is of false implication and that the



petitioner is a labourer, no demand was ever made, the wife of the petitioner committed suicide by burning herself after closing herself in the room which was broke open and this fact has been stated by witnesses namely, Vimal Chauhan, Kishun Chauhan, Sanjay Kumr and others vide paragraph 10, 11, 14 and 19 of the case diary. The petitioner is in custody since 04.09.2013 and the trial is going on and in future there is no likelihood of early conclusion of trial and as such the petitioner deserves sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioner is the husband and death was within seven years of marriage and further there is allegation of demand.

In the facts and circumstances stated above, considering the statement of the witnesses mentioned above and further the period of detention, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Uma Shankar, J. M. Ist Class, Danapur, Patna in connection with Naubatpur P.S. Case No. 113 of 2013, subject to the conditions that one of the bailors must be a near

relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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