

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15768 of 2016

Arising Out of PS.Case No. -108 Year- 2015 Thana -THAKRAHA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Chhangur Chaudhary, Son of Bhutta Chaudhary.
 2. Bhutta Chaudhary, Son of Prasaddi Chaudhary.
- Both Resident of Village - Bhatahuwa, P.S.- Thakaraha, District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Md. A. Haque Sahara, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-05-2016 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in jail custody since 6.1.2016 in connection with Thakraha, P.S. Case No.108 of 2015 for offences punishable under sections 304(B) and 201/34 of the Indian Penal Code.

The prosecution case is that the informant namely Raj Kumar Sahni submitted his written report dated 30.7.2015 to the S.H.O. Thakraha P.S. alleging therein that his sister Reema Devi was married with co-accused Chhabila Chaudhary S/o Bhutto Chaudhary and one and a half months back his sister went to her matrimonial house. It is said that the informant's sister always



inform that her husband and other accused person forced her to bring motorcycle, a gold ring and cash of Rs.20,000/- to live peacefully and on her failure to do so they used to torture her. It is stated that on 29.7.2015 at 12 O'clock at night the informant got information that his sister has been killed and had disappeared the dead body and all the persons have fled away from the house. Thereafter, when the informant reached the matrimonial house of his sister he found all the accused persons absent and the neighbours told him that his sister has been killed and her dead body has been disappeared.

It is submitted by learned counsel appearing for the petitioner that an omnibus allegation of torture and dowry has been alleged against all the accused persons including the petitioners.

He further submits that the petitioner no.1 is the brother-in-law and petitioner no.2 is the father-in-law of the deceased and prior to the incident no complaint of any assault has been lodged against them. He further submits that the husband of the deceased is in custody since 23.11.2015 and they are separated from in home from the deceased and her husband Chhabila Chaudhary. He submits that the witnesses have also given statement that there is no specific act committed by these

petitioners. He submits that the chargesheet has been submitted against these petitioners. Hence there is no chance of tampering with the evidence and undertakes not to flee away.

Learned APP submits that the witnesses have supported the prosecution case and disappearance of the informant's sister and opposes the prayer for bail.

Be that as it may, since the husband of the deceased has already been arrested and there are general and omnibus allegations against the petitioners and that chargesheet has been submitted, it is directed that the petitioners namely Chhangur Chaudhary and Bhutta Chaudhary be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Thakaraha, P.S. Case No.108 of 2015.

(Nilu Agrawal, J)

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