

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20788 of 2016

Arising Out of PS.Case No. -92 Year- 2015 Thana -RAFIGANJ District- AURANGABAD

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1. Anup Choudhary @ Anup Chaudhri S/o Rambrichh Choudhary, Resident of village- Mai Khurd ,P.O. Pogar P.S. Rafiganj, District- Aurangabad (Bihar).
.... Petitioner

Versus

1. The State of Bihar
.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar Sinha

For the Opposite Party/s : Mr. M.Rab(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 30-06-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Rafiganj P.S. Case No. 92 of 2015 registered for the offences punishable under Section 304B of the Indian Penal Code and Sections 3 / 4 of Dowry Prohibition Act.

Ranju Devi, the daughter of the informant, was married to the petitioner and allegedly, she was being taunted for bringing less dowry and thereafter, it is suspected that the petitioner and others have killed her daughter.

Submission is of false implication and that no offence under Section 304B of the Indian Penal Code is made out, the marriage was performed 12 years ago, out of the wedlock there are two sons: one is aged about 5 years and another is aged about 3

years, the wife of the petitioner was ill and she was treated by the doctor at Aurangabad but she died, the informant was informed properly in this regard but she lodged this false case. Learned counsel for the petitioner has referred paragraph 30 and 48 of the case diary. The petitioner is in custody since 28.10.2015 having no criminal antecedent.

Learned APP submits that the petitioner is the husband.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, 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 the learned Chief Judicial Magistrate, Gaya in connection with Rafiganj P.S. Case No. 92 of 2015, 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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