

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56942 of 2015

Arising Out of PS.Case No. -154 Year- 2015 Thana -SHERGHATI District- GAYA

- =====
1. Gurudeo Chaudhary son of Shaileshwar Chaudhary
 2. Shaileshwar Chaudhary son of late Babulal Chaudhary Resident of Village- Jolaha Bigha, P.s (Dobhi) , Sherghaty, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 07-04-2016 Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 302 and 328/34 of the I.P.C

Lalmuni Devi, the sister of the informant, was married to petitioner no.1 Gurudeo Chaudhary and allegedly she was being tortured due to non fulfillment of demand of dowry and ultimately she was administered poison by the petitioners and other in-laws and was brought at Anugrah Narayan Magadh Medical College & Hospital, Gaya where she died.

Submission is of false implication and that petitioner no.1 was having cordial relation with his wife, nothing was

demanded at any point of time, the wife of petitioner no.1 was ailing and she was taken to the hospital for treatment and during treatment she died, the conduct of the petitioners go to show that they are innocent, petitioner no.2 is the old father-in-law having no concern with petitioner no.1 and as such they deserve sympathetic consideration, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail by submitting that some external injuries have also been found on the person of the deceased which were caused by the hard and blunt forces and during investigation all the witnesses have supported the prosecution version.

In the facts and circumstances as stated above, considering that petitioner no.1 Gurudeo Chaudharay is the husband and there is serious allegation against him and as such I am not inclined to enlarge petitioner no.1 on bail and accordingly his such prayer stands rejected.

However, considering that petitioner no.2 Shaileshwar Chaudhary is old father-in-law and he by remaining in custody has been sufficiently penalized at this stage and as such he is directed to 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 S.D.J.M. Sherghaty (Gaya) in Sherghaty (Dobhi) P.S. Case No. 154 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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