

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10325 of 2016

Arising Out of PS.Case No. -217 Year- 2015 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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1. Hare Ram Chauhan Son of Shyam Kishore Chauhan Resident of village -
Raitar Beldariya, P.S. Giriyak, District - Nalanda

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Chaudhary

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-05-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, who is the husband of the victim Babita Devi, apprehends his arrest in connection with Giriak P. S. Case No. 217 of 2015 for offences alleged under Sections 302 and 498(A)/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that the informant got his sister Babita Devi married with accused petitioner ten years back and after marriage, the petitioner and other accused persons used to demand money as further dowry and due to non-fulfillment of the demand, the petitioner and others used to assault his sister. On 06.09.2015, the informant got information that her husband, father-in-law

and mother-in-law killed his sister and when the informant and others went at the matrimonial home of his sister, his sister was found dead in front of the house.

It has been submitted by the learned counsel for the petitioner that although, he was the husband of the deceased Babita Devi but no specific demand of dowry or physical assault is made out against the petitioner by the prosecution. He submits that he is innocent and the post-mortem report states that there was no external or internal injury of any assault. The deceased was two and half months pregnant and death was caused due to excessive bleeding. He further submits that there was a general and omnibus allegation against the petitioner and the father-in-law and mother-in-law of the deceased who have since been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 54353 of 2015 on 01.12.2015 and being the husband, there was no direct or indirect evidence to connect the petitioner with the alleged offence.

However, the learned APP for the State submits that the mother and father of the deceased have stated that there was a demand of dowry although there is no eye-witness to the alleged occurrence, but, opposes the prayer of bail.

Be that as it may, since the allegation is not supported by any direct or indirect evidence, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Giriak P. S. Case No. 217 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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