

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31856 of 2016

Arising Out of PS.Case No. -156 Year- 2015 Thana -DURAULI District- SIWAN

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Anil Chauhan, Son of Fauzdar Chauhan @ Faudar Chauhan, Resident of
Village- Kanaila, P.S. Darauli, District Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prem Sheela Pandey, Advocate
For the Opposite Party : Mr. Md. Fahimuddin (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 19-09-2016 Heard learned counsel for the petitioner and the

learned counsel representing the State.

The petitioner seeks bail in connection with Darauli
P.S Case No.156 of 2015 registered for the offences punishable
under Section 304 (B)/34 of the Indian Penal Code.

Allegedly, Archana Chauhan the daughter of the
informant was married to the petitioner on 01.03.2011 and out of
wedlock there is a son of 23 months, but just after marriage, the
petitioner and other in-laws used to torture her and used to demand
dowry and for that used to assault her. On 25.07.2015 it was
informed from the house of the petitioner on phone that Archana
Chauhan has been burnt and she was being brought to Siwan, then
the informant went there and thereafter she was referred to

Gorakhpur and from Gorakhpur to Safdarganj Hospital, Delhi where ultimately, she died and then case was lodged by the informant.

Submission is of false implication and that as a matter of fact, the petitioner and his family members tried their best to keep her treated and recovered but in vain, the conduct of the petitioner goes to show that he was innocent, during investigation witnesses Indrawati Devi and Jiyut Gour, vide para 18 and 19 of the case diary have stated that when she was boiling milk she was burnt and further Jiyut Gour has stated that in-laws used to love Archana and have tried best to save her but was not saved.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer by submitting that the petitioner in his statement recorded in para 45 of the case diary, has given contradictory statement at one place, he has stated that when she was boiling milk, fire caught her and in the last he has stated that due to dispute for talking with a girl on mobile, there was some quarrel resulting, she burnt herself and, as such, the petitioner does not deserve bail.

In the facts and circumstances stated above, considering the conduct of the petitioner and his family members and further the statement of the two witnesses as stated above

now, the petitioner shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Darauli P.S. Case No. 156 of 2015, subject to the conditions that one of the bailors must be 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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