

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41934 of 2017

Arising Out of PS.Case No. -489 Year- 2014 Thana -KAHALGAON District- BHAGALPUR

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1. Deepak Choudhary @ Deepak Kumar Choudhary Son of Pradeep Choudhary Resident of Ghogha Bazar, Police Station- Ghogha, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Akshay Lal Pandit

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 20-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 10.02.2016 in connection with S.T. No. 421 of 2016, arising out of Kahalgaon (Ghogha) P.S. Case No. 489 of 2014 for offences punishable under Sections 304-B, 201/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that his daughter Nutan Devi was married to the petitioner nine years back and has two children out of the wedlock. She was always tortured for demand of Rs. 50,000/- and ultimately the petitioner along with other family members have killed her and disposed off the dead body.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the marriage was solemnized nine years back, hence, Section 304-B of the IPC is not applicable. He further submits that there is no eye-witness to the alleged occurrence and even otherwise the independent witnesses have not seen the occurrence or any fight between the petitioner and the deceased. It is further submitted that his wife Nutan Devi has fled away with her paramour Mahesh Choudhary and is living in an unknown destination. It is also submitted that the informant has not alleged demand of dowry in his re-statement, petitioner is languishing in judicial custody for more than one year and nine months and that charges have already been framed.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is the husband and even otherwise the whereabouts of the petitioner's wife is not known and no information was lodged about her disappearance before the police, which falsifies the statement of the petitioner that she has fled away with her paramour.

Considering the facts and circumstances and the materials on record and the period of custody and that charges



have already been framed, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-III, Bhagalpur, in connection with S.T. No. 421 of 2016, arising out of Kahalgaon (Ghogha) P.S. Case No. 489 of 2014, subject to the conditions that :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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