

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54070 of 2017

Arising Out of PS.Case No. -341 Year- 2017 Thana -KRITYANAND NAGAR District- PURNIA

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Surendra @ Suren Chouhan @ Surendra Chouhan @ Suren, son of Dhann
@ Dhanu Lal Chouhan, resident of Village- Garhia Bishanpur, P.S.
K.Nagar, District Purnea. Petitioner.

Versus

The State of Bihar Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

03 14-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in K. Nagar P.S. Case No.
341 of 2017 registered under Section 304-B and 201/34 of the
Indian Penal Code.

As per the prosecution case, the sister of the
informant was married with the petitioner 7-8 years back and is
said to have been burnt to death for dowry demand by the
petitioner and his family members.

It is submitted by learned counsel for the petitioner
that the marriage of the petitioner with the deceased was
solemnized 7-8 years back hence the offence under section 304 B
is not made out against the petitioner. As a matter of fact, the
deceased was short tempered desperate lady and due to petty
family dispute she consumed poison herself and also administered



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to two minor children. All the three were rushed to the hospital by the petitioner and his family members to accord them treatment. The two children of the deceased were any how saved but the life of the deceased could not be saved, despite best treatment given by them. No independent witness barring the informant has supported the prosecution case. I.O. has also submitted chargesheet under Section 306 IPC. The petitioner has been languishing in custody since 28.08.2017.

As per prosecution case, the deceased is said to have been burnt to death by the petitioner along with his family members but the account of the witnesses examined by the I.O. and the medical certificate and discharge slip indicates that the deceased had died due to consuming poison. I.O. has also not found any mark of burning on the place of occurrence. Barring the informant no other witnesses has supported the prosecution case.

In the facts and circumstances of the case, the above named petitioner is directed to 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 the learned Chief Judicial Magistrate, Purnia in connection with K. Nagar P.S. Case No.341 of 2017.

(Prakash Chandra Jaiswal, J)

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