

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48604 of 2016

Arising Out of PS.Case No. -46 Year- 2016 Thana -KAUAKOL District- NAWADA

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Mithilesh Chauhan, Son of Nagina Chauhan, Resident of Village- Chhabail
Beldariya, Police Station Kawa Kole, District Nawadah.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

4 07-02-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kawakole
P.S. Case No.46 of 2016 registered under Sections 304(B) and
201/34 of the Indian Penal Code.

The prosecution case is that the marriage of the deceased
Babita Devi, the daughter of the informant, was performed with
this petitioner in the month of June, 2011, by giving proper gifts
but the deceased Babita Devi, the daughter of the informant, was
being tortured for non fulfillment of the dowry demand. While the
informant went to the matrimonial house of his deceased daughter
Babita Devi and showed his inability to the husband (petitioner)



and parents-in-law of his deceased daughter Babaita Devi about non fulfillment of the dowry demand but they were adamant to fulfill the demand of dowry of cash Rs.1,00,000/-. On 12.04.2016, for non fulfillment of the dowry demand of cash Rs.1,00,000/-, the deceased Babita Devi, the daughter of the informant, was killed by administering poison by her husband (petitioner) and parents-in-law. Regarding the death of his deceased daughter Babita Devi, the informant received information on the next day. Thereafter, the informant alongwith his family members went to the matrimonial house of his deceased daughter Babita Devi but none was present there. The villagers of the matrimonial house of the deceased Babita Devi, surrounded the informant and they forcibly got his thumb impression on a blank paper.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is the husband of the deceased Babita Devi, the daughter of the informant. In fact, the deceased Babita Devi, the daughter of the informant, died of snake biting and regarding the same, the information was given to the informant by the petitioner and the informant and his family members had also participated in the funeral ceremony of the deceased Babita Devi but with an ulterior motive, the present case has been lodged after nine days of the alleged occurrence. Moreover, the witnesses,



belonging to the village of the petitioner, in paragraphs-4, 5, 16, 25 and 64 of the case diary have also stated about the death of the deceased due to snake bite and also disposal of the dead body of the deceased Babita Devi in presence of the informant. The petitioner having no criminal antecedent is in custody since 09.08.2016.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IV, Nawada, in connection with Kawakole P.S. Case No.46 of 2016.

(Rajendra Kumar Mishra, J)

P.S./-

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