

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13182 of 2017

Arising Out of PS.Case No. -124 Year- 2015 Thana -NOKHA District- SASARAM (ROHTAS)

=====

Raju Chaudhary @ Raja Singh, Son of Budhoo Chaudhary @ Prabhu Shankar Singh, Resident of village – Maudiha, P.S. Nokha, District – Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay

For the Opposite Party/s : Mr. Sri Satyavarat Verma

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 21.06.2017

This matter has been listed for hearing out of turn on the slip filed by the petitioner.

Heard learned counsels for the petitioner and Mr. J.N. Thakur for the State.

The petitioner being the husband of the victim has renewed the prayer for bail in a case registered for the offences punishable under Section 498A, 304B and 201/34 of the Indian Penal Code.

The prosecution case as per the written report of Vikash Kumar Choudhary dated 02.07.2015 is to the effect that the informant's sister Sunita Devi was married with the petitioner in 2009. Subsequently she was tortured for non-fulfillment of further dowry demand of a motorcycle and one lakh rupees. On



21.06.2015 the informant gave Rupees fifty thousand to the petitioner, but the mother-in-law of the informant asked her to go to her parent's house with her brother. On 30.06.2015 the informant came to know that his sister has been killed by the petitioner and other family members by causing burn injury. On the basis of aforesaid accusation Nokha P.S. Case No. 124 of 2015 was registered under Sections 498A, 304B and 201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the accusation of dowry demand after six years of marriage appears to be absolutely unbelievable. The victim died due to the accidental fire. Earlier the bail application of the petitioner was rejected vide order dated 22.02.2016 passed in Cr. Misc. No. 1738 of 2016 with liberty to renew prayer for bail if the trial does not get concluded within a period of one year. The learned trial court rejected the bail application of the petitioner vide order dated 27.02.2017 which reflects that till date no witness has been examined though the case is fixed for evidence. Learned counsel for the petitioner submits that even till date no witness has been examined. Hence, there is no likelihood of the trial being concluded in near future.

Considering the fact that the victim died after



six years of marriage, earlier bail application of the petitioner was rejected on 22.02.2016 with liberty to renew prayer for bail if the trial does not get concluded within a period of one year and the impugned order dated 27.02.2017 reflects that no witness has been examined, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Rohtas at Sasaram in connection with Sessions Trial No. 111 of 2016 arising out of Nokha P.S. Case No. 124 of 2015.

The learned trial court will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

