

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36459 of 2018

Arising Out of PS. Case No.-26 Year-2018 Thana- CHIKSAUR District- Nalanda

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1. Sudhir Chaudhary, Son of Late Mohan Chaudhary.
 2. Dhananjay Chaudhary @ Dhananjay Kumar, Son of Shohan Chaudhary,
Both resident of Village- Soharapur, P.S.- Chiksaura, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramji Kumar
For the Opposite Party/s : Mr. Aditya Narayan Singh 1

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 10-07-2018 Heard learned counsel for the petitioners and
learned counsel for the State.

In this case, the petitioners are apprehending their arrest in connection with Chiksaura P.S. Case No. 26 of 2018 registered for offences under sections 304(B) and 34 of the Indian Penal Code.

As per First Information Report, an allegation has been made that the marriage of the victim girl was solemnized with Shailendra Chaudhary and was blessed with one female child. On 2.4.2018, Shailendra Chaudhary hurled threat to the victim girl to kill her. In the meantime, Shailendra Chaudhary, Sohan Chaudhary, Sudhir Chaudhary (petitioner no.1), Sahendra



Chaudahry, Dhananjay Chaudhary (petitioner no.2) and Dinesh Chaudhary, on account of dowry, assaulted her with Lathi and Danda and, thereafter, killed her by burning. The Informant received information on 3.4.2018 about the incident, he visited to the P.M.C.H. where the victim girl was found dead and the body was lying in the postmortem room. None of the family members was present there.

Learned counsel for the petitioners submits that the petitioners are neither the husband nor the relative rather they are villagers, may be agnates but, not much close to the family of Shailendra Chaudhary and have wrongly been implicated in the present case without any basis. He has further submitted that had there been any intention to kill the victim, the question of bringing her and getting her treatment in the P.M.C.H. would not have arisen and, as such, the entire allegation made against the petitioner is completely false.

Learned counsel for the Informant has submitted that the first wife of Shailendra Chaudhary was also killed in the same manner, the petitioners are close relatives of Shailendra Chaudhary and have also actively participated in the offence as alleged and this Court should not exercise its jurisdiction in favour of the petitioners.



Having considered the rival contentions of the parties, it appears that the petitioners are not very close relative to the accused persons and they are not the family members rather they are agnates.

Looking to the entire facts and circumstances of the case, let the petitioners, namely, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Hilsa in connection with Chiksaura P.S. Case No. 26 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioners for investigation/interrogation, they will remain present and if they would not present themselves, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

(Shivaji Pandey, J)

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