

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48250 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- NARDIGANJ District- Nawada

LALBABU CHAUHAN, S/O Ramadhin Chauhan, R/o Village- Charnachatar,
P.S. Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 20-11-2019 Heard learned counsel for the parties.

This application for regular bail arises out of **Nardiganj P.S. Case No. 24 of 2019**, disclosing the offences under Sections 304(B) and 201/34 of the Indian Penal Code.

The petitioner is the husband of the deceased who is in custody since 03.02.2019. There is vague allegation in the First Information Report of demand of dowry and torture therefor by the in-laws of the deceased.

As per the First Information Report, the deceased was married to the informant nearly 2 ½ years before lodging of the First Information Report. The petitioner used to work as a labour in a brick-kiln where the deceased also resided with him.

Referring to the case diary, it has been argued by the



learned Additional Public Prosecutor, that the deceased died of strangulation and the post mortem indicates that it was not a case of hanging in the light of the other injuries found on the body of the deceased.

Learned counsel appearing on behalf of the petitioner has submitted that since offence under Section 304B of the Indian Penal Code can be established on unrebutted presumption, there is no chance of the petitioner tampering with the evidence. He has further submitted that except the element of suspicion, there is no material to suggest that it was the petitioner who had participated in the commission of the offence.

Considering the above submission and the fact that the petitioner has remained in custody for substantial period of time, this application is allowed. Let the petitioner, above-named, 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 **Smt. Sangita Kumari, learned Judicial Magistrate, 1st Class, Nawada**, in connection with **Nardiganj P.S. Case No. 24 of 2019**, subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of



failure on his part to appear before the court on two consecutive occasions, his bail Bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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