

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.5931 of 2020**

Arising Out of PS. Case No.-433 Year-2019 Thana- GAYA MUFASIL District- Gaya

BIRENDRA KUMAR @ JAITH RAM @ CHAUTH RAM @ CHAUTU  
RAM S/o - Late Kishun Ram R/o Mohalla- Janakpur, River Side, Manpur,  
P.S.- Muffasil, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Onkar Kumar, Adv.

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

3      28-08-2020                      Heard learned counsel for the petitioner and Mr. Uday  
Pratap Singh, learned APP for the State.

The petitioner in the present case is father-in-law of the deceased who is seeking pre-arrest bail in connection with Muffasil P.S. Case No.433/2019 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

In this case, case diary was called for and the same has been received.

Learned counsel for the petitioner submits that the marriage between the son of this petitioner and the deceased was a love marriage and in fact the deceased had solemnized fourth marriage with the son of this petitioner and they were living separately in mess and business. It is submitted that there



is no independent witness to support the allegations and independent witness in paragraphs 24 and 25 of the case diary have stated that the deceased was living in her maike, she had come back about 12 days back whereafter her health was not good and on the date of death all of a sudden she started bleeding from her mouth whereafter while taking her to the hospital she died. The independent witnesses have thus not supported the allegation of demand of dowry and torture against this petitioner.

Learned counsel further submits that the postmortem report of the deceased does not suggest any kind of injury on her body and the doctors have not opined with regard to her cause of death. The viscera has been sent for chemical examination.

Mr. Uday Pratap Singh, learned APP for the State has though opposed the prayer the prayer for anticipatory bail of the petitioner, but on noticing that in the case diary there is no independent material to support the allegations against this petitioner and the postmortem report does not suggest any violence and injury upon the body of the deceased, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Muffasil P.S. Case No.433/2019 be released on bail on



furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

