

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18418 of 2020

Arising Out of PS. Case No.-461 Year-2019 Thana- CHHATAUNI District- East Champaran

ABHISHEK CHOUDHARY @ KARUNKAR KUMAR @ KARUNAKAR CHOUDHARY, Son of Late Ram Ayodhya Choudhary, Resident of Village - and Muhalla - Subhash Nagar Mathiya, Ward No.16, P.S.- Chhatauni, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. H.A. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-06-2020 This case has been heard through Video
Conferencing.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 304(B) and 34 of the Indian
Penal Code.

The allegation is regarding the accused persons
having killed the deceased victim lady on account of non-
fulfillment of the demand for dowry.

It has been submitted on behalf of the petitioner that
the petitioner is quite innocent and he has falsely been
implicated in this present case under ulterior motive and



intention while the entire prosecution story is false and concocted. The petitioner and other co-accused persons have never demanded any dowry and torture to the deceased. As a matter of fact the deceased was suffering from mental disease and therefore, she committed suicide. The doctor has also supported this fact that the death has been occurred due to hanging.

It has been further submitted that after investigation the police found the case is false and lodged by the informant with the false fact. The police has submitted final form no. 10 of 2020 dated 30.01.2020 stating the case is mistake of fact, thereafter, the learned court below has taken cognizance against all accused persons named in the first information report by order dated 10.02.2020. It comes during course of investigation that the deceased died after committing suicide by hanging with the fan and used her Dupatta. It has also come her room was closed from inside, the door was broken by the Badhai Rajesh Sharma which was working in house of Sanjay Chaudhary. The family members took away her near the doctor but in the way she has died. The witnesses have clearly stated after the marriage the deceased was suffering from mental disease and her treatment was going on with a doctor of Muzaffarpur. The



petitioner was not present at the time of alleged occurrence. The petitioner is in custody since 07.12.2019 and has got no criminal antecedent. The co-accused Madnakar Choudhary has been granted anticipatory bail by a Co-ordinate Bench of this Court on 22.01.2020 vide Cr. Misc. No.84026 of 2019. Charge sheet has already been submitted in this case and there is no allegation of tampering of witnesses alleged against the petitioner.

Learned APP for the State has opposed the prayer for bail.

Considering the aforesaid facts and circumstances, there is no specific allegation against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Chhatauni P.S. Case No. 461 of 2019 to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in



court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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