

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24095 of 2020

Arising Out of PS. Case No.-46 Year-2020 Thana- KORHA District- Katihar

=====

Viplu Choudhary @ Vipul Choudhary @ Karmveer Choudhary @ Karmveer Kumar, Male, aged about 41 years, S/o Late Ram Narayan Choudhary @ Ram Narayan Choudhari, Resident of Gerabari Bazar, P.S.- Korha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate
For the State : Mr.Dilip Kumar No.1, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 21-12-2020 Heard Mr. Yogesh Chandra Verma, learned senior counsel assisted by Mr. Rajendra Prasad Sah, learned counsel for the petitioner, Mr. N.K. Agrawal, learned senior counsel assisted by Mr. Priti Kuer, learned counsel for the informant and learned A.P.P. for the State through the virtual court proceeding.

The petitioner seeks bail in connection with Korha P.S. Case No. 46 of 2020 registered for the offences punishable under Sections 498A, 307/34 of the Indian Penal Code.

The prosecution case as per written report of Jiyalal Gupta, the brother of the deceased is that, his sister Nikki Kumari had entered into love marriage with the petitioner in the year 2014. Since about a fortnight her sister was going ill. It is alleged that on 12.01.2020, the petitioner had assaulted her. On



27.01.2020, he received information that his sister is seriously ill then with the help of family members, she was admitted to Max Hospital, Purnea. It is further alleged that since after marriage itself, the petitioner used to assault her and his mother along with him used to demand Rs.5 lakh.

Learned senior counsel for the petitioner submits that admittedly, there was a love marriage between the petitioner and the deceased and they have got a son aged about 5 years. He further submits that they are the front door neighbours intervened by NH-31 and since they had entered into inter caste marriage, the informant and others were envious to the marriage and was under an opportunity to revenge the marriage of his sister with the petitioner. He further submits that unfortunately, in the wee hours of 27.01.2020, the deceased developed acute sinus problem and the petitioner taking out of his vehicle from garage to take her to hospital. The informant and other made murderous attempt on him and the petitioner took shelter in the nearby police station situated just at the stone throw distance of his house and the house of the informant. The informant and his other family members chased him to police station and assaulted the petitioner inside the police station as well which could have been caught in by the C.C. T.V. camera of the police station.



Learned senior counsel for the petitioner further submits that the police in view of the circumstances prevailing there took the complaint of the petitioner and permitted him to attend his ailing wife at PHC, Korha. The PHC, Korha referred the patient for better treatment at higher institute of medical facilities. The prescription of PHC has been annexed as Annexure-2 to this petition. Thereafter, the petitioner immediately took his wife to Max hospital, Purnea and her treatment began since 7 A.M. onwards. However, by the evening, she did not respond favourably. The petitioner was advised to take her to Silliguri and on way to Silliguri near about Kishanganj, she took her breath last. The petitioner returned with the dead body and informed the police of the unfortunate death of his wife along with dead body. However, the petitioner was arrested in view of the F.I.R. lodged by informant (the brother of deceased).

Learned senior counsel appearing on behalf of the informant submits that the petitioner is the husband of the deceased and generally, the husband of the deceased has not got bail by the Hon'ble High Court. He further submits that till date, viscera report has not been submitted by the F.S.L. He further submits that it is not a fit case for grant of bail because the petitioner is the husband of the deceased.



Learned senior counsel for the petitioner submits that the petitioner is in jail custody since 28.01.2020 and the deceased has also treated in the Max Hospital and payment was made by the petitioner. The prescription report of Max Hospital has been annexed as Annexure-3 series. Learned senior counsel for the petitioner further submits that the charge has already been framed against the petitioner on 19.12.2020 itself,

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, the court below may verify, if the charge is framed against the petitioner then the above named petitioner shall be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Katihar in connection with Korha P.S. Case No. 46 of 2020.

(Anjani Kumar Sharan, J)

Nasimul/-

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

