

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12406 of 2021

Arising Out of PS. Case No.-114 Year-2019 Thana- KRITYANAND NAGAR District- Purnia
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VISHWAJEET CHOUDHARY @ VISHWAJEET KUMAR S/o NAVIN
CHOUDHARY @ GUJO CHOUDHARY, Resident of Village- Parora, P.S.-
K. Nagar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Adv.
Ms. Preety Kunwar, Adv.
For the Opposite Party/s : Dr. Ajit Kumar, APP
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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 304B and 34 of the Indian Penal Code.

As per the prosecution case, the sister of the informant was tortured by the accused persons including the petitioner herein who happens to be her husband and ultimately she was done to death.

It is submitted by learned senior counsel appearing for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 20.11.2019 passed in Cr. Misc. no.57707 of 2019.



On merits, it is submitted that there is no allegation of demand of dowry and thus no offence under section 304B of the Indian Penal Code would be made out. The allegations in the F.I.R. are baseless. The relationship between the petitioner and his wife was cordial and she died as a result of accidental electric shock. It is submitted that the petitioner is in custody since 12.4.2019 and he has no criminal antecedent. There is no chance of the trial concluding in the near future.

The application for bail is opposed by learned A.P.P. for the State.

Case diary as also the report with respect to the stage of trial was called for from the learned court below. From perusal of the post-mortem report available in the case diary, no external injury was found on the body of the deceased and the exact cause of death could not be ascertained. With respect to the stage of the trial, as per the report contained in letter dated 24.8.2021 of the 3rd Additional District and Sessions Judge, Purnea, charge was framed on 5.3.2020 but because of the Covid-19 pandemic, no witness has been produced and the case is fixed for prosecution evidence.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case



including the petitioner having remained in custody for 2 years 5 months, the contents of the post-mortem report and the stage of the trial in the learned trial court, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.76 of 2020 (arising out of Krityanand Nagar P.S. Case no.114 of 2019) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District and Sessions Judge, Purnea.

(Partha Sarthy, J)

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