

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37295 of 2021

Arising Out of PS. Case No.-138 Year-2019 Thana- NAGARNAUSA District- Nalanda

DEVNATH CHAUDHARY S/O LATE JALIM CHAUDHARY R/O
VILLAGE SULEMANCHAK, P.S-NAGARNAUSA, DISTRICT-
NALANDA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary, Adv.
For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned counsel for the informant as well as the learned A.P.P. for the State.

The petitioner seeks bail in connection with Nagarnausa P.S. Case No. 138 of 2019 registered for the offence under Sections 304B and 34 of the Indian Penal Code.

The petitioner along with his family members are said to have killed the daughter of the informant by setting her on fire after pouring kerosene oil on account of non-fulfillment of demand of dowry.

Learned counsel appearing for the petitioner submits



that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, the petitioner happens to be father-in-law of the deceased and he has no concern with the alleged occurrence. As a matter of fact, the petitioner was residing at Satjhari in the district of Howrah for his livelihood and he was not present at the place of occurrence. Neither he has demanded any dowry nor he has assaulted the deceased in any manner. Moreover, the co-accused, namely, Minta Devi @ Munta Devi, who happens to be mother-in-law of the deceased having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 13.07.2021 passed in Cr. Misc. No. 9509 of 2021. More particularly, the husband of the deceased has already been taken into custody. The petitioner is rotting in judicial custody since 04.02.2021.

Learned A.P.P. for the State as well as learned counsel for the informant has, vehemently, opposed the prayer for bail of the petitioner. Learned counsel for the informant further submitted that the petitioner is also instrumental in the occurrence.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa in



connection with Nagarnausa P.S. Case No. 138 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

braj/-

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

