

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28458 of 2020

Arising Out of PS. Case No.-59 Year-2019 Thana- MAGADH UNIVERSITY District- Gaya

PAPPU CHAUDHARY Son of Harkhu Chaudhary Resident of Village - Bara,
P.S.- Magadh University, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-01-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner is the husband who is in custody since
11.06.2019 in connection with Magadh University P.S. Case No.
59/2019 registered for the offences punishable under Sections
304(B)/34 of the Indian Penal Code.

As per the prosecution case, daughter of the informant
was married in the year 2011. It is further alleged that this
petitioner along with other accused persons started harassing
and torturing the daughter of the informant for dowry and later
on, daughter of the informant was killed in connivance with
other accused persons by administering her poison.

It is submitted on behalf of the petitioner that
marriage has taken place in year 2011 and out of the wedlock 2



children were born. It is further submitted that Section 304(B) of the IPC is not attracted in this case as the marriage has taken place 8 years ago. It is submitted that due to some quarrel the deceased consumed poison in absence of this petitioner. It is also submitted that no external and internal injury has been found on the dead-body.

However, learned Additional Public Prosecutor for the State has vehemently opposed the bail application and submitted that death had happened while the deceased was in her matrimonial home and the petitioner being the husband is not entitled to be enlarged on bail.

Considering the aforesaid facts and circumstances and also the fact that petitioner is husband, I am not inclined to grant bail to this petitioner. It is, accordingly, rejected.

However, since the petitioner is in custody since 11.06.2019, trial court is directed to expedite the trial.

(Prabhat Kumar Singh, J)

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