

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29942 of 2020

Arising Out of PS. Case No.-36 Year-2019 Thana- MAHKAR District- Gaya

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DHARMENDRA CHAUDHARY S/o Upendra Chaudhary Resident of
Village-Hasanpur, tola-Balbapar, Police Station-Mahkar, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 04-01-2021 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Mahkar P.S. Case No. 36 of 2019 registered under sections 304 B, 201 and 34 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that his sister was married to the petitioner about two years ago. She was tortured by the accused persons for dowry and was ultimately poisoned to death. It is further stated that on enquiry it transpired that the accused persons including the petitioner herein who happens to be the husband had a hand in the murder of his sister.

It is submitted by learned counsel for the petitioner



that the allegations as levelled in the FIR are false and concocted. From the material that has transpired in course of investigation as also from Annexure-2 to this petition, it would transpire that the six year old son of the petitioner and the deceased was ill on 25.4.2019 and was taken to Primary Health Centre. He was referred for better treatment to the Anugrah Narayan Medical College and Hospital, Gaya. However, unfortunately he succumbed on way. It is further submitted that some of the independent witnesses whose statements were recorded under section 161 Cr.P.C. have stated that on hearing the news of death of her son, the sister of the informant consumed poison and also died. It is submitted that from the statement of the witnesses it would clearly be evident that the death of the sister of the informant has taken place in a manner other than what has been alleged in the FIR. The petitioner is in custody since 24.12.2019 and undertakes to cooperate at every stage of the case.

The application for bail is opposed by learned APP for the State who submits that the petitioner is the husband of the deceased.

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



as also the deposition of the independent witnesses in course of investigation and the petitioner being in custody since 24.12.2019, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Mahkar P.S. Case No. 36 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 Additional Chief Judicial Magistrate-IXth, Gaya.

It is further directed that in course of trial, the petitioner shall remain personally present on each date in the learned Court below and in case of his absence on a single date, for reasons not to the satisfaction of the learned Court below, the learned trial Court may cancel his bail bond and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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