

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37275 of 2020

Arising Out of PS. Case No.-107 Year-2019 Thana- ASHTHAWAN District- Nalanda

Tuntun Chaudhary, Son of Bhola Chaudhary, Resident of Village-Gobar
Bigha, P.S.-Ashthawan, District-Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Premchandra Yadav, Advocate

For the Opposite Party/s : Smt. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 23-02-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Ashthawan P.S. Case No.107 of 2019 (S.T. No.61/2020) for the
offence punishable under Sections 304B, 201, 34 of the Indian
Penal Code.

The prosecution case is that the informant's daughter
has been throttled and died an unnatural death at her in-law's
place within five years of her marriage. The allegation is that
she has been done to death for non-fulfilment of demand for
dowry.

The petitioner's counsel submits that the petitioner is
an unfortunate husband. The allegation is that the dead body has
been recovered on 11.05.2019. From the FIR it is apparent that



the informant was present throughout the recovery and medical examination of the dead body. However, surprisingly no statement has been recorded on 11.05.2019. It is only two days later i.e., on 13.05.2019 that the informant has lodged this case. The allegation is of throttling, however, the post-mortem report suggests that the death is due to hanging. The medical evidence therefore also does not corroborate the occurrence as per the prosecution case.

Learned APP has submitted that the prosecution is based on presumption under the provisions for which the prosecution has been launched and that the dead body has surprisingly been found in a field.

Considering the rival submissions and that the petitioner is in custody since 15.07.2019, this Court is inclined to allow the prayer for bail.

Accordingly, let the petitioner, above named, 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 the learned Additional Sessions Judge-5, Nalanda at Biharsharif, in connection with Ashthawan P.S. Case No.107 of 2019 (S.T. No.61/2020), subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an



affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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