

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 39559 of 2020

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Raju Chauhan, aged about 30 years, Male, son of Gulab Chand Chauhan, resident of village-Dehura (Dehunra), P.S. Assaon, District-Siwan

----- Petitioner

Versus

The State of Bihar

----- Opposite Parties

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Appearance:-

For the Petitioner:- Mr. Baxi S. R. P. Sinha, Sr. Advocate

For the State :- Ms. Anita Kumari Singh, APP

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CORAM:HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2. 02.06.2021** The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and

Ms. Anita Kumari Singh, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Assaon P.S. Case No. 24 of 2020 for the offence under Section 304-B/34 of the Indian Penal Code.

The allegation is regarding the accused persons having killed the deceased victim lady on account of non-fulfillment of the demand for dowry.

The learned senior counsel for the petitioner Shri. Baxi S.R.P. Sinha has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that the petitioner is the elder brother of the husband of the deceased victim lady, is living separately and has got nothing to do with the alleged occurrence. It is also submitted that the husband has already surrendered and he is behind bars, hence no prejudice would be caused to the prosecution, if the petitioner is granted the privilege of anticipatory bail. It is also submitted that the doctor conducting the postmortem examination on the dead body of the deceased has opined that the death has been caused on

account of asphyxia due to hanging. Lastly, it is submitted that there is no material on record to suggest the complicity of the petitioner in the present case.

Per contra, the learned Counsel for the informant Shri. Prabhakar Singh has vehemently opposed the prayer for bail and has submitted that there is no document on record to show that the petitioner is living separately. It is further submitted that the present case is a case of dowry death, hence it would not be appropriate to grant anticipatory bail to the petitioner herein.

Ms. Anita Kumari Singh, learned A.P.P. for the State has also vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned Sr. counsel for the petitioner and taking into account the materials available on record, this Court finds that the husband of the deceased victim lady has already surrendered and is behind bars and as far as the present petitioner is concerned, no

specific allegation has been leveled regarding him having any role to play in the death of the deceased and moreover, the doctor conducting the postmortem examination on the dead body of the deceased has opined that the death has been caused by asphyxia on account of hanging, thus the suicide theory cannot be ruled out, hence I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of eight weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Siwan in connection with Assaon P.S. Case No. 24 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-