

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.736 of 2021

Arising Out of PS. Case No.-312 Year-2019 Thana- BAIRIYA District- West Champaran

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LAXAN CHAUDHARY @ LACHHUMAN CHAUDHARY @ LAXMAN
CHAUDHARY S/o Rameshwar Chaudhary Resident of Village - Bagahi
Bakuliya Tola, P.S. - Bairiya, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 19-07-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

The petitioner has filed the instant application for grant of
regular bail in connection with Sessions Trial no. 238 of 2020
(arising out of Bairiya P.S. Case no. 312 of 2019) registered under
sections 304B and 34 of the Indian Penal Code.

As per allegation in the FIR, the accused persons
including the petitioner herein who happens to be the husband of the
deceased started to torture the daughter of the informant for non-
fulfillment of demand of dowry of a new motor-cycle. She was
threatened and ultimately strangled to death.

It is submitted by learned counsel for the petitioner that
the petitioner happens to be the husband of the deceased. The



allegations in the FIR are false and concocted. From perusal of the FIR it transpires that there is inordinate delay of 7 days between the registering of the FIR and the date on which the FIR was seen by the learned Additional Chief Judicial Magistrate. It is further submitted that no case under section 304B of the Indian Penal Code is made out. There was no evidence of hurriedly disposing of the body. The petitioner is in custody since 14.4.2020 and there is no chance of the trial concluding in the near future. He has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

A report was called for from the learned Court below. As per the report received contained in letter dated 28.6.2021, no witness has been examined on behalf of the prosecution yet. From perusal of the contents of the postmortem report it transpires that the cause of death is asphyxia due to throttling.

In view of the facts and circumstance of the case together with the content of the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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