

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5616 of 2021**

Arising Out of PS. Case No.-55 Year-2020 Thana- NARHATT District- Nawada

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RAM BILASH CHAUHAN Son of Birju Chauhan Resident of Village-
Babhaur Beldari P.S.- Narhat, District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha,Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 03-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Manoj Kumar, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Narhat P.S. Case No. 55 of 2020
registered for the offences punishable under Section 304(B) of
the Indian Penal Code.

Learned counsel for the petitioner submits that from
the First Information Report itself it would appear that the
marriage between the petitioner and the deceased had been
solemnised about seven years ago. The allegation against the
petitioner and all other family members are that they were

mentally and physically torturing the deceased for non fulfillment of the demand. It is alleged that on 20.03.2020 all the named accused persons killed the daughter of the informant by pressing her neck. When the informant received this message he reached the house of his daughter where he found the dead body was lying and all the family members were missing from the house.

Learned counsel for the petitioner submits that the marriage between the petitioner and the deceased had taken place more than seven years ago. Prior to the present occurrence no complaint was ever lodged against the petitioner. There is no eye-witness to the alleged occurrence and in course of investigation police has found it a case of suicide and has submitted a chargesheet under Section 306/34 of the Indian Penal Code. It is further submitted that no independent witness has supported the allegation of demand of dowry or physical or mental torture to the deceased. The post mortem report does not disclose any other external or internal injury on the body.

Learned APP for the State has opposed the prayer for regular bail of the petitioner and has submitted that family members of the deceased have supported the allegations. Learned APP, however, does not find statement of any

independent witness in the case diary and has confirmed to this Court that in the post mortem report no external or internal injury has been found save and except that the cause of death has been shown as asphyxia due to compression of the neck (hanging).

Considering the facts and circumstances of the case wherein this Court has noticed that the death of the wife of the petitioner has occurred due to hanging, no other internal or external injury has been found suggesting any prior physical torture to the deceased, the chargesheet has been filed under Section 306/34 IPC, the petitioner has remained in custody for over one year, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nawada in connection with Narhat P.S. Case No. 55 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence

similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.