

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.7044 of 2021**

Arising Out of PS. Case No.-82 Year-2019 Thana- BHAGWANPUR District- Begusarai

Chandan Chaudhary @ Chandan Kr. Chaudhary Son of Sri Nandkishore Chaudhary Resident of Village - Raghunandanpur, P.S.- Bhagwanpur (Teyay O.P.), District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr.Vikram Deo Singh, Advocate |
| For the State        | : | Mr.Syed Ehteshamuddin,APP     |
| For the Informant    | : | Mr.Mohit Shriwastava,Advocate |

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

4      30-07-2021                      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, learned counsel for the informant and Mr. Syed Ehteshamuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bhagwanpur P.S. Case No. 82 of 2019 registered for the offences punishable under Sections 341, 323, 498(A), 504, 506, 34, 304(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that from the First Information Report, it appears that the marriage between the petitioner and the deceased (daughter of the

informant) was solemnised in the year 2012. The allegation is that after marriage the father of this petitioner was repeatedly asking for the articles which were promised to be given at the time of tilak. It is his submission that there is no allegation in the FIR that this petitioner was ever demanding any dowry.

Further as per the prosecution story, on 04.05.2019, the informant had gone to meet her daughter at about 07:25 P.M. and there she found that Nandkishore Chaudhary and his wife Sunita Devi (parents of this petitioner) were assaulting the daughter of the informant.

At this stage, learned counsel submits that even this part of the FIR falsifies from the perusal of the post mortem report which shows no external injury on the body of the deceased. There is no allegation of causing assault against this petitioner.

Learned counsel further submits that in the whole FIR, there is no allegation against this petitioner that he was ever demanding the dowry or was assaulting the deceased. The marriage was more than seven years old at the time of alleged occurrence. The deceased was suffering from neuro disease and in this connection learned counsel for the petitioner has tried to impress upon this Court from the materials. The attention of this

Court has also been drawn towards the post mortem report which shows no external injury over any part of the body of the deceased. This petitioner is in custody since 28.07.2020, investigation against him is complete but the trial is not likely to take place in near future.

On the other hand, learned counsel for the informant and learned APP for the State have opposed the prayer for regular bail of the petitioner. It is jointly submitted that the daughter of the informant was ill after excessive torture given to her by the accused persons.

Considering the facts and circumstances of the case, firstly that there is no allegation of demand of dowry or causing torture against the petitioner in the First Information Report and further that the post mortem report says no external injury on any part of the body of the deceased, the petitioner is 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 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 1<sup>st</sup> Class, Begusarai in connection with Bhagwanpur P.S. Case No. 82 of 2019, 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.

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'.