

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20433 of 2022**

Arising Out of PS. Case No.-296 Year-2021 Thana- KHIJARSARAI District- Gaya

CHHOTELAL CHAUHAN S/o Andhi Chauhan R/o village- Mohamadpur,
P.S.- Khizersarai, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 16-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Khizersarai P.S. Case No. 296 of 2021 registered for the
offences punishable under Sections 304B of the Indian Penal
Code.

As per prosecution case, informant's daughter was
killed by setting her upon fire by petitioner and others for not
fulfilling the demand of dowry.

Learned counsel for the petitioner submits that
petitioner is in custody since 11.10.2021. Petitioner bears no
criminal antecedent. Charge sheet has already been submitted in



the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the date of occurrence is 09.10.2021 and F.I.R. has been lodged on 10.10.2021 after delay of one day and there is no any reasonable explanation regarding the delay in lodging the F.I.R. The petitioner being Bhaisur has no concern with the deceased because they are living separately since long. There is no specific allegation with regard to demand of dowry.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, petitioner is living separately as submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – IV, Gaya in connection with Khizersarai P.S. Case No. 296 of 2021, subject to following conditions:-

- (i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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