

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31435 of 2021

Arising Out of PS. Case No.-219 Year-2020 Thana- BHAWANIPUR District- Purnia

RAHUL CHOUDHARY Son of Chandra Gopal Choudhary Resident of
Village- Bhelwa, Police Station- Bhawanipur, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 04-04-2022 Heard Mr. Viveka Nand Singh, learned counsel

for the petitioner and Mr. Brajendra Nath Pandey, learned

Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Bhawanipur P.S. Case No. 219/2020 registered for the
offences punishable under Sections 328 and 304(B)/34 of
the Indian Penal Code 1860.

The petitioner is husband of the deceased and
there is allegation that the petitioner along with other family
members killed the daughter of the informant in her
matrimonial home due to non-fulfillment of dowry demand.
It is a case of dowry death.

Learned counsel for the petitioner submits that the



petitioner is the husband of the deceased and he has falsely been implicated in this case after delay of three days of the occurrence. He further submits that the petitioner being the husband discharged his obligation and immediately after his wife consumed poison, he informed the family members of the deceased. The petitioner is in custody since 1.3.2021.

On the other hand, learned counsel for the State submits that from perusal of the First Information Report, it appears that within three years of the marriage the deceased has died unnatural death in her matrimonial home and there is specific allegation of demand of dowry and torture. From perusal of the case diary it appears that the petitioner and his family members even did not take care of the deceased when she had fallen ill.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that within three years of the marriage the informant's daughter died in her matrimonial home in unnatural condition and there is presumption under Section 113(A) and 113(B) of the Evidence Act, I am not inclined to grant regular bail to the petitioner.



Accordingly, the prayer for bail of the petitioner stands rejected.

However, the trial court is directed to expedite the trial expeditiously.

(Anil Kumar Sinha, J)

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