

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23765 of 2022

Arising Out of PS. Case No.-582 Year-2021 Thana- HISUWA District- Nawada

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Shailesh Chauhan @ Shailesh Kumar S/o Sarju Chauhan R/o village- Maya
Bigha, P.S.- Nawada (Kadirganj O.P.), District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-09-2022 Let the defect, if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Hisua P.S. Case No. 582 of 2021 lodged under Sections
304(B)/34 of the Indian Penal Code.

The allegation made in the F.I.R. is that the mother-in-
law of the petitioner has lodged the F.I.R. against her son-in-law
and his entire family members. Allegation of demand of dowry
was made and due to non-fulfillment, death was caused and
further allegation to throw the dead body in the river was made
in the F.I.R.

Learned counsel for the petitioner submits that the

petitioner is innocent and has committed no offence. He further submits that petitioner and his entire family became the scapegoat in this case. He categorically submits that the place of occurrence is not the *Sasural* of the deceased rather it is the *Mayka* of the deceased. He further submits that none of the family members of the deceased except her mother is witness in the present case. He submits that is not a case of murder, rather it is a case of suicide. He further submits that petitioner is in custody since 10.10.2021 and the antecedent of petitioner is clean. He also submits that charge sheet has been filed as well as charge has also been framed in this case and case is running on the evidence of prosecution.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant also appeared in this case and vehemently opposes the prayer for bail and submits that the case has been lodged under Section 304B of I.P.C. He further submits that charge has already been framed in this case and prosecution witnesses is going on. He submits that in case, bail shall be granted to the petitioner, he shall create problem in evidence of other prosecution witnesses. Upon query, he submits that 6 months from the date of charge is

sufficient for him to close the evidence.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present, but petitioner is at liberty to move his bail application after 6 months from the date of framing of charge and if prosecution shall not complete his evidence within the said period the Trial Court shall release the petitioner on bail on its own conditions so that he shall not evade his appearance in the trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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