

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37272 of 2021

Arising Out of PS. Case No.-73 Year-2019 Thana- KASHICHAK District- Nawada

Raja Chaudhary @ Rajo Chaudhary, S/O Krishna Chaudhary, R/O Village-
Madhepur, P.S- Kashichak, District Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Nayan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 28-01-2022 The applicant/accused in Crime No. 73 of 2019 registered with Kashichak Police Station for the offences punishable under Section 304(B) r/w Section 34 of the Indian Penal Code as well as Sections 3/4 of the Dowry Prohibition Act, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that the applicant is behind the bars from 18.07.2019 and the trial has not even started despite the fact that while rejecting the earlier bail application of the application, this Court vide order dated 22.06.2020 passed in Criminal Misc. No. 11205 of 2020 has directed to conclude it within a period of nine months. He submits that the case is not even committed for the trial to the Sessions court. The learned



counsel further argued that even in the FIR, no allegation is made against the applicant except the omnibus statement of general nature.

The learned Additional Public Prosecutor opposed the application by contending that earlier bail application of the applicant was rejected.

I have considered the submissions so advanced and also perused the material placed before me.

The offence alleged against the applicant is not exclusively punishable with the life imprisonment. It is averred by the first informant Shivbalak Choudhary that his daughter Kiran Devi married the applicant on 5th March, 2017 and married life of his daughter was going on happily. He further averred that subsequently her in-laws started demanding dowry and started beating her. It is thus clear that no details of alleged ill treatment or cruel treatment so also the dowry is stated in the FIR. Kiran Devi was found to have died because of asphyxia cause due to hanging herself.

The applicant is behind the bars from 18.07.2019. Despite the direction given by this Court to conclude the trial in nine months as stated in the instant application, the case is not even committed for trial to the court of Sessions by the



learned Additional Chief Judicial Magistrate-VI, Nawada. In this view of the matter, in my considered opinion, further pretrial detention of the applicant is not warranted. Therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 73 of 2019 registered with Kashichak Police Station for the offences punishable under Section 304(B) r/w Section 34 of the Indian Penal Code as well as Sections 3/4 of the Dowry Prohibition Act be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.



(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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