

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48634 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- MADANPUR District- Aurangabad

Sikander Chaudhary, S/o Shiv Choudhary @ Shibu Chaudhary, R/o Village-
Sosuna, P.S.- Bandeya, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 04-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr.Ashok Kumar Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Madanpur P.S. Case No. 48 of 2020 registered
for the offences punishable under Sections 304B/34 of the
Indian Penal Code.

As per the prosecution case, it is alleged that the
marriage of the sister of the informant was solemnized with the
petitioner one year ago. At the time of marriage, gifts were
given, however, soon thereafter the sister of the informant was
subjected to torture for demand of dowry. It is further alleged



that the petitioner had illicit relation with one Sunaina Devi and on 16.03.2020 at about 3.00 P.M. the petitioner took the informant's sister to Sheoganj in the house of Sunaina Devi and in the night he along with Sunaina Devi killed the informant's sister and thrown the dead body near the river.

Learned counsel appearing on behalf of the petitioner submits that in fact from the F.I.R. it is evident that the deceased was living in her Maika and she died a natural death, but only because of some oblique motive, the name of the petitioner, who happens to be the unfortunate husband, has been implicated in this case. It is further submitted that though there is allegation that the deceased has been killed by the petitioner and his paramour, but the post-mortem report does not corroborate the prosecution case, inasmuch as, no external injury has been found over the body of the deceased. It is next submitted that even during the course of investigation no witness has supported the prosecution case, save and except interested witnesses. It is further submitted that there is no eye witness to the actual commission of crime and moreover this petitioner is in custody since 17.09.2020 having fair antecedent.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the



petitioner is the husband of the deceased and she died within seven years of marriage under abnormal circumstances and there is allegation of demand of dowry and as such the case under Section 304B of the I.P.C. is made out against the petitioner.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that post-mortem report does not suggest any external injury and moreover viscera report was called for and on perusal of the same, it appears that “no Metallic, Alkaloidal, Glycosidal, Pesticidal or Volatile poison could be detected in the contents of exhibits” and as such this is not even a case of poisoning.

Considering the aforesaid facts, as also the post-mortem report as well as viscera report, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Madanpur P.S. Case No. 48 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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