

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58227 of 2021

Arising Out of PS. Case No.-307 Year-2020 Thana- ATRI District- Gaya

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Mewalal Chauhan S/o Keshwari Chauhan @ Ramkesh Jamadar Resident of
Village- Koyariya Chak, P.S.- Atri, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 26-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Atri P.S.
Case No. 307 of 2020 registered for the offence under Sections
304B, 428 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.05.2021.

The allegation against the petitioner is to cause death
of his wife, alongwith other family members/co-accused
persons, for non-fulfillment of demand of dowry.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has been falsely implicated in this case.
It is submitted that wife of the petitioner died due to heart



attack, as she was on fast on the date of occurrence. It is submitted that, as per post mortem report, no external or ante mortem injury was found upon the body of the deceased and further nothing surfaced, which may suggest that death of wife of the petitioner was unnatural. It is also submitted that petitioner is a man of clean antecedent and chargesheet has been submitted without obtaining the FSL report.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that petitioner is the husband of the deceased but fairly conceded that the post mortem report does not speak about any ante mortem/external injury.

In view of the facts and circumstances, as mentioned above, as the post mortem report does not suggest that death of wife of the petitioner is unnatural coupled with the fact that petitioner is a man of clean antecedent where chargesheet has been submitted without obtaining the FSL report, let the petitioner, above named, is directed to be released on bail in connection with Atri P.S. Case No. 307 of 2020 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-XIII, Gaya, subject to the



following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Nanda Devi, who is the mother of the petitioner and deponent of the present bail petition.”

The explanation submitted by learned Additional Chief Judicial Magistrate-XIII, Gaya filed, in connection with the case diary, within time is accepted.

(Chandra Shekhar Jha, J)

Ankit/-

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