

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58277 of 2021

Arising Out of PS. Case No.-448 Year-2019 Thana- BAIRIYA District- West Champaran

Amin Chaudhary, Son of Late Indrasan Chaudhary, Resident of Village-
Bagahi Ratanpur, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 26-09-2022 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. Anant Kumar Mishra, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bairiya P.S. Case No. 448 of 2019 registered for the offences punishable under Sections 304(B), 201, 504, 506/34 of the Indian Penal Code.

The prosecution case is based on a written report filed by the informant alleging therein that the marriage of her daughter was solemnized with co-accused Rajan Chaudhary in the year 2016, however, soon after the marriage she was subjected to torture and harassment on account of non-fulfillment of demand of dowry. On 24.12.2019, the informant



received an information that all the accused persons, including the husband, by hatching a conspiracy killed her daughter. The informant also came to know that all the accused persons stealthy disposed of the dead body.

Learned counsel for the petitioner submits that the petitioner happens to be the elder brother-in-law of the deceased and there is no specific allegation of any demand of dowry or torture against him. So far the F.I.R. is concerned, the specific allegation of demand of dowry has been levelled against the husband, who is in judicial custody. He next submits that the petitioner and his family are separate from the family of the husband of the deceased in mess and property and he has no concern with the affairs of the family of the deceased and her husband. He next submits that as a matter of fact the deceased was suffering from illness and she was admitted in Nitu Surgical Hospital and Trauma Centra, Bettiah from where she was referred to G.M.C.H., Bettiah for better treatment, however, in the way she succumbed to her illness. He next submits that the petitioner, having fair antecedent, is in custody since 23.06.2021.

On the other hand, learned counsel for the State opposes the bail application and submits that the allegation has



been levelled against all the family members that they by hatching criminal conspiracy committed the murder of the deceased and moreover the death has taken place within seven years of marriage in an unnatural circumstance and prior to her death there was demand of dowry and, as such, the presumption of the complicity of the petitioner cannot be ruled out.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner happens to be the elder brother-in-law of the deceased, residing separately from the family of his brother and his deceased wife in mess and property and, moreover, he is in custody since 23.06.2021, having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 448 of 2019, 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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