

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72174 of 2021

Arising Out of PS. Case No.-534 Year-2021 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Sunil Chauhan Son of Late Ramadhar Chauhan Resident of Village- Arar, Ward No.28, P.S.- Gopalganj, District- Gopalganj
 2. Asha Devi Wife of Late Ramadhar Chauhan Resident of Village- Arar, Ward No.28, P.S.- Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-03-2022 Heard both parties.

The petitioners seek bail in Gopalganj (Town) P.S. Case No. 534 of 2021, registered for the offence punishable under Sections 363, 364 and 34 of the Indian Penal Code.

As per the prosecution case, marriage of informant's sister was solemnized with petitioner no. 1 in the year 2010. After marriage all the accused persons including petitioner started demanding dowry. On 10.07.2021 when the informant went at the matrimonial home of his sister, where her in-laws informed that his sister went to a relative, but they did not disclose the name of relative or give phone number. From the villagers, he came to know that the accused persons committed murder of his sister and concealed her dead body. Petitioner no.



1 is husband and petitioner no. 2 is mother-in-law of the deceased.

It is submitted on behalf of the petitioner that petitioners are innocent and have committed no offence. No such occurrence has ever taken place and there was no demand of dowry by the petitioners. There is general and omnibus allegation. Petitioner no. 2 is living separately from the deceased and has got no concern with the family affairs of the deceased and her husband. In fact, family members of wife of petitioner no. 1 had hidden his wife to extort money and the police also submitted chargesheet under Section 363, 366 and 34 of the IPC. Petitioners are in custody since 04.09.2021 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that till date neither victim nor dead body has been recovered. Petitioner no. 1 is husband of the victim/deceased and it is very surprising that he has not given any explanation about the whereabouts of his wife, who is still traceless.

Considering the facts aforesaid and the nature of allegation and the fact that Sunil Chauhan petitioner no. 1 is husband of the deceased, I am not inclined to enlarge him on



bail. Accordingly, the same is rejected.

So far as, the case of Asha Devi petitioner no. 2 is concerned, she is old lady and mother-in-law of the deceased and there is general and omnibus allegation, she is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj (Town) P.S. Case No. 534 of 2021.

(Prabhat Kumar Singh, J)

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