

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27708 of 2023

Arising Out of PS. Case No.-352 Year-2021 Thana- CHOUTARWA District- West
Champaran

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BRIJESH RAM Son of Late Sita Ram R/V- Babu Parsauni, PS- Chautarwa,
Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sharma, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 17-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with
Chautarwa P.S. Case No. 352 of 2021 registered for the offence
under Section 304-B of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 23.03.2022.

5. The allegation against the petitioner is to cause
death of daughter of informant alongwith other co-accused
persons/family members due to non-fulfillment of demand of
dowry as raised for cash of Rs. 1,00,000/- (Rupees One Lac



only), where for a similar prior occurrence a case was registered as Chautarwa (Mahila Bagaha) P.S. Case 19 of 2016 lodged against petitioner and his family members, where death alleged to be caused by administering poison/pressing neck.

6. Learned counsel appearing on behalf of the petitioner submitted that the informant is not the eye witness of the occurrence and entire implication is based upon suspicion as petitioner is the husband of deceased. It is submitted that allegation regarding demand of dowry appearing very much general and omnibus and not specific against this petitioner. It is submitted that no external injury was noticed as per post-mortem, where cause of death is yet to ascertained to said unnatural as to established a, *prima facie*, case under Section 304-B of the Indian Penal Code. It is submitted that even the demand of dowry as raised through present F.I.R. is appearing much prior to the occurrence for which a separate F.I.R. was lodged in year 2016. It is submitted that the death of daughter of informant appears natural out of extreme cold and this fact also supported by witnesses during the course of investigation. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of



tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as post-mortem report fails to suggest death as unnatural to established a, *prima facie*, case under Section 304-B of the Indian Penal Code coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 23.03.2022, accordingly, above named petitioner is directed to be released on bail in connection with Chautarwa P.S. Case No. 352 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, Bagaha, West Champaran/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

9. The presence of I.O. of this case is dispensed with.

(Chandra Shekhar Jha, J)

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