

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33470 of 2023

Arising Out of PS. Case No.-174 Year-2022 Thana- PRANPUR District- Katihar

Munchun Kumar Choudhary @ Munchun Choudhary Son of Suresh Choudhary Resident of village - Kamipur, P.S.- Pranpur, Dist.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-07-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Pranpur P.S. Case No. 174 of 2022 registered for the offence under Sections 304-B/34, 302/34 and 306 of the Indian Penal Code (in short 'I.P.C.').

3. The accused/petitioner is named in the F.I.R. and is in custody since 18.08.2022.

4. 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, where death is out of suicide due to consumption of poison.

5. Learned counsel appearing on behalf of the



petitioner submitted that implication of petitioner only appears being husband of deceased. It is submitted that out of matrimonial discord, wife of the petitioner consumed poison, causing her death, where no allegation even as per F.I.R., raised any demand for dowry and, as such, implication under Section 304-B of the I.P.C. is not appearing convincing on its face. It is further pointed out that even as per the narration of F.I.R., petitioner tried his best to save life of his wife, who was carrying her pregnancy in advanced stage of eight months. It is also submitted that out of seven prosecution witnesses, four prosecution witnesses has already examined before the learned Trial Court including informant who turned hostile and appearing non-friendly with the prosecution, and as such, keeping the petitioner for any further period behind the bar, no any purpose of justice shall be served. 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.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as no allegation



raised through F.I.R. regarding demand for dowry, where death is suicidal coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 18.08.2022, and trial is not likely to conclude in near future, accordingly, above named petitioner is directed to be released on bail in connection with Pranpur P.S. Case No. 174 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Katihar/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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