

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35994 of 2023

Arising Out of PS. Case No.-25 Year-2023 Thana- CHORAUT District- Sitamarhi

BHIKHARI RAM son of Ramashish Ram Village- Bari Behta Ps- Choraut
Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 04-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Choraut P.S. Cse No. 25 of 2023 registered under Sections 341, 323, 504, 506, 498(A) and 304(B) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act lodged on 13.02.2023 by the informant, S. Ray.

3. As per the prosecution story, the allegation is the informant's daughter was married to the present petitioner but was tortured for dowry. In between, the child was also born out of the wed lock. On the fateful day, they got information that she is dead. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that there was no such question of dowry and/or killing. She was a



heart patient, the informant fully knowing of the fact that, died natural death, due to the allegation of the informant's side, post-mortem was conducted and the opinion of the doctor says that the cause of death was due to sudden cardiac arrest leading to C.R. failure due to chronic illness of heart diseases.

5. Learned APP opposes the prayer for bail stating that demand of dowry was there.

6. In this case, case diary was called by a co-ordinate Bench on 24.06.2023 which has since been received.

7. This Court has gone through the post-mortem report which clearly shows that there was sudden cardiac arrest due to chronic illness, considering the aforesaid facts, this Court is inclined to grant him privilege of bail.

8. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Choraut P.S. Case No. 25 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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