

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40489 of 2023

Arising Out of PS. Case No.-475 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

BIJENDRA CHAURASIA S/O RAMBABU PRASAD @ RAMBABU R/O
Village- Rasauli, Ward No. 9 (Baraitha Tola), P.O- Rasauli, P.S- Panapur,
Distt.- Saran at Chapra, Presently residing at Pasighat, Two Mile, P.S-
Pasighat, Distt.- East Shyan, Arunachal Pradesh-791102.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Indrawati Devi Bijendra Chaurasia, D/O Ramnath Chaurasia Presently
resident at Village- Hata Mathiya, P.O- Sasamusa, P.S- Sasamusa, Distt.-
Gopalganj (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate
For the Opposite Party/s : Mrs.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody since 3.3.2023 in connection with Kuchaikot P.S. Case No. 475 of 2023 for the offence punishable under Sections 323, 324, 326A, 307, 342, 498(A), 406 read with section 34 of the I.P.C. lodged on 7.11.2022 by the informant Indrawati Devi .

The prosecution story, in brief, is that on 07.11.2022 at 17.45 hours the FIR has been registered on the basis of written typed complaint bearing Complaint Case No. 2113 of 2022 filed on 18.10.2022 in the Court of Chief Judicial Magistrate, Gopalganj wherein the Complainant/Informant



alleged that on 02.06.2011 she married with the petitioner as per Hindu Right and Rituals. At the time of marriage house hold articles and ornaments worth Rs. 3 lakhs and Rs. 2,51,000/- cash was given.

However, the petitioner alongwith his family members demanded one Splendor Motorcycle and said that marriage will not be performed till motorcycle is not given but due to intervention of some persons marriage could be performed.

After marriage informant went to her in laws house and they kept her properly for sometime but after sometime informant was asked to bring dowry and due to refusal to bring dowry, she was beaten by the accused persons. In the year 2019, She came to her 'maika' for marriage of her brother and lived for some time. Thereafter, petitioner brought the informant to his house and then carried her to Arunachal Pradesh where her brother in law and petitioner alongwith co-accused persons used to compel her to do washing of cloth and cleaning of floor etc. and also used to beat her on trivial issues.

Once, she saw petitioner with her sister-in-law compromising position, then both beaten her. On 19.01.2022 at 7 P.M., informant was sleeping, when she wake up, she saw that



her husband was holding box and in the meantime Upendra Chaurasia and Sharda Devi came there and Bijendra Chaurasiya threw petrol upon her and Upendra Chaurasia lighted the match stick. Nearby person reached there and extinguished the fire and saved her.

It has been contended by the learned counsel for the petitioner that the couple has been blessed with three children and would like to take marital life ahead but due lodging of the FIR, he is in jail since 3.3.2023 (as stated in para-14 of the bail petition).

Learned APP opposes the prayer stating that the allegation is of torture.

Considering the fact that he is husband and wants to take the family life ahead, has already suffered by being in custody since 3.3.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-1st, Gopalganj, in connection with Kuchaikot P.S. Case No. 475 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 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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 the bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-Jyoti

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