

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42919 of 2022

Arising Out of PS. Case No.-224 Year-2021 Thana- NARDIGANJ District- Nawada

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DASRATH CHAUHAN Son of Devraj Chauhan Resident of Village -
Dalelpur @ Dalalpur @ Dalelpur Beldari, P.S.- Nardiganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prem Ranjan Kumar

For the Opposite Party/s : Mr.Madhura Nand Jha

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 15-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Nardiganj P.S. Case No. 224 of 2021, registered for the

offences punishable under Sections 304(B), 201 and 34 of

the Indian Penal Code.

The prosecution case as emerging from the FIR is

that the daughter of the informant married to one Kaushal

Chauhan according to Hindu rites and customs in the year

2016. Later on, all the accused persons started torturing the

victim for illegal demand of dowry and ultimately they killed

her.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not a close family member of the husband of the victim because he is a co-villager and *gotiya*. He also submits that two other accused-persons, namely, Krishna Chauhan and Sonu Chauhan, have already been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 05.09.2022 passed in Cr. Misc. No. 5448 of 2022.

He further submits that the petitioner has been languishing in jail since 22.05.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-



named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate-1st Class, Nawada in connection with Nardiganj P.S. Case No. 224 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has



concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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