

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44584 of 2022

Arising Out of PS. Case No.-39 Year-2021 Thana- DUMRAO District- Buxar

Rohit Choudhary Son of Manoj Choudhary Resident of village- Kashiya, P.S-
Dumraon, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 09-02-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Session Trial no.
196/2022 arising out of Dumraon P.S. Case No. 39/2021 registered
for the offence punishable under Section 304(B)/34 of the Indian
Penal Code. (for brevity 'IPC').

It is submitted that petitioner has been suffering implication
only on account of manner of death giving rise to presumptions
under Section 304(B) of the IPC. He submits, actually it is not a case
of dowry death. The submission is that the petitioner, in fact, was not
even present on the date of occurrence and other co-accused persons
(family members) have been allowed bail. Petitioner is in custody
since 21.02.2022.

Learned APP for the State submits that from the First
Information Report (for brevity 'F.I.R.'), it appears that the death has
occurred within the statutory period prescribed under Section 304(B)
of the IPC in the matrimonial home. It is allegedly preceded by
cruelty based on insufficient dowry, having been given at the time of
marriage. Petitioner is the husband, owing prime responsibility. From



the order of the 4th Add. Sessions Judge, Buxar, dated 22.06.2022, rejecting the petitioner’s prayer for bail, it is apparent that material in the case diary has been considered, wherein death has been found due to shock and internal hemorrhage due to anti-mortem injuries caused by hard and blunt object.

Considering the rival submissions, allegations, presumptions under Section 304(B) of the IPC, material considered by the order dated 26.06.2022 passed by the 4th Additional Sessions Judge, this Court having regard to the petitioner being husband is not inclined to allow the prayer for the present.

Prayer for bail is rejected.

(Madhuresh Prasad, J)

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