

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46755 of 2023

Arising Out of PS. Case No.-671 Year-2022 Thana- JOGAPATTI District- West Champaran

Mahajan Chaudhary Son of Late Dhrup Chaudhary, Resident of Village-
Dadwa Bhawanipur, Ps- Nawalpur, District -West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46841 of 2023

Arising Out of PS. Case No.-671 Year-2022 Thana- JOGAPATTI District- West Champaran

Gaudi Devi W/o Late Dhrup Chaudhary R/o Village- Dadwa Bhawanipur, Ps.
Nawalpur, Dist. West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46755 of 2023)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 46841 of 2023)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail, who are in custody since
07.12.2022 in connection with Yogapatti (Nawalpur) P.S. Case
No. 671 of 2022, F.I.R. dated 05.12.2022 for the offences
punishable under Sections 302, 34 of the Indian Penal Code but



the police after investigation submitted the charge sheet under Sections 306, 201, 34 of the Indian Penal Code.

3. According to prosecution case, in brief, is that the younger sister of informant Umesh Chaudhary was married with the petitioner Mahajan Chaudhary about 8 years ago. It is further alleged that on 05.12.2022 informant received information that his sister has died and after hearing this information he went to his sister's sasural but nobody was there. It is further stated that in the meantime he got information that dead body of his sister is lying in the sugar cane field. Thereafter, he went to identify his sister's dead-body. It is further stated that the informant saw black sign at his sister's neck.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that petitioners are the husband and mother-in-law of the deceased. He further submits that bare perusal of F.I.R. it appears that there is no allegation of any demand of dowry against these petitioners and the allegation as alleged in the F.I.R. is not supported by the prosecution. He further submits that the police after investigation submitted the charge sheet against these



petitioners under Section 306, 201, 34 of the I.P.C. and the petitioners are in judicial custody since 07.12.2022 and 19.04.2023 respectively

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and submits that there is direct and specific allegation against the petitioner Mahajan Chaudhary who assaulted his wife.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Yogapatti (Nawalpur) P.S. Case No. 671 of 2022, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the



evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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