

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55667 of 2023

Arising Out of PS. Case No.-599 Year-2020 Thana- BARACHATTI District- Gaya

1. KISHOR CHAUDHARY Son of Kamlu Chaudhary Resident of Village-Darwar, P.S.-Barachatti, District-Gaya
2. CHHOTU CHOUDHARY Son of Kamlu Chaudhary Resident of Village-Darwar, P.S.-Barachatti, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Barachatti P.S. Case No. 599 of 2020 for the offence punishable under Sections 304(B) and 201/34 of the Indian Penal Code lodged on 30.9.2020 by the informant, Nawal Choudhary.

As per the prosecution story, the lady was married to petitioner no.1 but was tortured for dowry and due to non-fulfillment of demand, they killed her and cremated the dead body. Upon knowledge, the FIR.

It is the case of the petitioners that she died natural death.



Learned APP opposes the prayer stating that the petitioner no.1, being the husband cannot exonerate himself from the responsibility.

Taking into account the fact on record, the submission put forward by the learned counsel for the petitioners, so far as the prayer of petitioner no.1 namely Kishore Choudhary, husband is concerned, his bail application stands rejected. The trial Court is directed to expedite the trial and conclude the same at an earliest.

So far as the petitioner no.2 Chhotu Choudhary is concerned, he is student, 23 years of age, has remained in custody since 12.4.2023 (para-11 of the petition) living separately and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

Let the petitioner no.2, Chhotu Choudhary be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M.-1st Class, Sherghati, Gaya in connection with Barachatti P.S. Case No. 599 of 2020 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 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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