

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58157 of 2023

Arising Out of PS. Case No.-285 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

CHANDAN KUMAR S/O JITENDRA RAM @ JITAN RAM @ JITENDRA
KUMAR R/O VILLAGE- GULAB PATTI PARSAUNI, P.S- SAHEBGANJ,
DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Madhubala Verma, Advocate.

For the Opposite Party/s: Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-11-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sahebganj P.S. Case No. 285 of 2022 dated 24.6.2022 registered for the offence punishable under Section 304-B/34 of the Indian Penal Code.

3. As per prosecution case, on account of demand of dowry, the daughter of the informant was killed by the petitioner and other co-accused persons within two months of her marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in



this case. No occurrence as alleged has ever taken place. Petitioner is the husband of the deceased and he never tortured the deceased and never demanded any dowry. The true fact of the case is that a motorcycle was given in the marriage which was being used by the brother-in-law of the deceased who dashed it somewhere and some altercation took place. The use of motorcycle by brother-in-law was resented by the deceased and during one such acrimonious altercation, the deceased committed suicide by hanging herself to her *orhni* (Scarf). Learned counsel further submits that it has also come during investigation that petitioner was not even present at the time of occurrence in his house. Further, after coming to know about the real fact, the informant has filed a petition before the court of learned Judicial Magistrate submitting that there was no demand of dowry and the petitioner and other co-accused persons are not involved in the death of her daughter. Learned counsel also submits that the petitioner is in custody since 28.4.2023 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP



submits that it has come in the postmortem report that the deceased died due to mechanical asphyxia caused by pressure over neck and in the inquest report also it has come that she was strangled.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of the witnesses in paragraphs 8, 9 and 10 of the case diary from which it appears that the deceased might have hanged herself and death being unconnected to dowry death and further considering the submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Muzaffarpur, in connection with Sahebganj P.S. Case No. 285 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date



fixed by court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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