

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66577 of 2022

Arising Out of PS. Case No.-276 Year-2021 Thana- BARARI District- Katihar

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BHANU CHAUDHARY S/o Ganesh Chaudhary R/v- Jagdishpur, P.S.-
Barari, District- Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Y.V. Giri, Sr. Adv.
		Mr.Pranav Kumar
For the Opposite Party/s :		Mr.J.N. Thakur

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

6 18-05-2023 Heard learned counsel for the petitioner as well as learned
APP for the State.

In this case, the petitioner is seeking regular bail in connection with Barari P.S. Case No. 276 of 2021, registered for the offences punishable under Sections 304(B), 34 of the IPC.

As per allegation, the marriage of the deceased was solemnized with the petitioner 5-6 years prior to lodging of the FIR. The matrimonial inmates used to inflict atrocities on her for non-fulfillment of dowry demand. The further allegation is that on 14.11.2021, the accused persons including the petitioner had strangled her to death.

The learned senior counsel Sri Y.V. Giri has submitted that during investigation, the independent witnesses have been examined and they have stated that the petitioner had taken friendly loan from



co-accused Ram Kumar Bhagat, his brother-in-law (*Sarhu*). The wife of the petitioner was insisting on her husband to return that money, due to which there was some quarrel between the husband and the wife. Thereafter, she had committed suicide. He has submitted further that father, mother and sister of the petitioner have been exonerated by the investigating authorities and final form has been submitted against them. After investigation, the investigating authorities submitted charge-sheet against the petitioner and co-accused Ram Kumar Bhagat under Section 306/120 of the IPC. Co-accused Ram Kumar Bhagat, on similar footing, has been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 63185 of 2022.

On the other hand, the learned APP Sri J.N. Thakur has opposed the prayer and submitted that the witnesses have supported the prosecution case but he has fairly conceded that the witnesses have stated that there was quarrel between the husband and the wife.

During investigation, the statements of independent witnesses have been recorded in which they have stated that the petitioner was not returning money to his *Sarhu*, co-accused Ram Kumar Bhagat. He was asking for time to return money. The independent witnesses have stated that the couple were living in happy and cordial matrimonial life but some quarrel had taken place between them since the petitioner wanted some time to return the money to his *Sarhu* but the wife of the petitioner was insisting for



immediate return of that money. The charge-sheet has been submitted under Section 306/120 of the IPC. The petitioner is under custody since 07.01.2022.

Considering the above-mentioned facts and circumstances clean antecedents as well as the period of detention, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II Katihar in connection with Barari P.S. Case No. 276 of 2021, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) The petitioner shall cooperate in the disposal of trial and make himself available on each and every date till conclusion of the trial. In case of his failure in appearance on two consecutive dates without any valid reason, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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