

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14295 of 2024

Arising Out of PS. Case No.-679 Year-2023 Thana- CHANPATIA District- West Champaran

Yogendra Ram son of Late Jokhu Ram Village- Lagunaha Pokhra Tola W.No-13, Ps- Chanpatiya Dist- W.Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chanpatiya P.S. Case No. 679 of 2023 dated 13.11.2023 for the offence punishable u/s 304B, 201 and 120B of the Indian Penal Code.

3. As per the prosecution case, the daughter of the informant was married with co-accused Akhilesh Ram and the petitioner is the father of the husband of the deceased. Allegation against the petitioner and other co-accused persons is that of demanding dowry and inflicting torture on non-fulfillment of demand. Later on the daughter of the informant was killed and her dead body was disposed of.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and has been falsely implicated in this case. The petitioner is the father of the husband of the deceased and he is separate in mess and property and the petitioner is having no concern with the family affairs of the deceased and her husband. There is no specific allegation of torture, cruelty or assault against the petitioner and the allegation of demand of dowry is without substance as he lives separately from the house of the deceased. Learned counsel further submits that the true fact of the case is that the marriage of the deceased was solemnized with co-accused Akhilesh Ram more than seven years back on 22.04.2014. She gave birth to three children. Birth of first child was in the year 2017 but the informant has wrongly stated in the FIR that the marriage is of six years back only in order to bring the case under the purview of dowry death. Learned counsel further submits that the petitioner is in custody since 14.11.2023. The petitioner has no criminal antecedent.

5. Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner, the petitioner above named, is directed to be released

on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Chanpatiya P.S. Case No. 679 of 2023, 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 the 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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