

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23365 of 2024

Arising Out of PS. Case No.-137 Year-2023 Thana- ANDHRATHARHI District- Madhubani

Mukesh Chaupal Son Of Inar Chaupal Resident Of Village- Dedhua, Ps-
Andratharhi, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kripanand Jha, Advocate
For the State	:	Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2024 Heard Mr. Kripanand Jha, learned counsel for the
petitioner and Mr. Suresh Prasad Singh, learned A.P.P. appearing
on behalf of the State.

2. The petitioner seeks bail, who is in custody since
24.11.2023, in connection with Andhratharthi P.S. Case No. 137
of 2023, FIR dated 21.09.2023, G.R. No. 1676/2023 registered
for the offence under Sections 341, 323, 504, 498(A), 306 and
34 of the Indian Penal Code.

3. As per the prosecution case, on non-fulfillment of
the demand of dowry, the petitioner along with other co-accused
persons has tortured the sister of the informant due to which she
eaten poison and died.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case merely on



the ground that the petitioner is husband of the deceased. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation against the petitioner and it appears from the FIR itself that the informant suggests that the deceased has committed suicide. He further submits that the statement of father of the deceased, namely, Badri Chaupal was recorded under Section 161 Cr.P.C. in which he has not stated anything about the petitioner apart from that on the date of occurrence petitioner was not present in the village. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 24.11.2023.

5. Learned A.P.P. for the State, on the other hand, has opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jhanjharpur (Madhubani) in connection with Andhratharhi P.S. Case No. 137 of 2023, G.R. No. 1676/2023 with the following conditions:-

(i) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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