

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29967 of 2024

Arising Out of PS. Case No.-87 Year-2023 Thana- AGAMKUAN District- Patna

Praduman Chaudhary, Son of Brahamdeo Chaudhry @ Brahamdev Chaudhary, Resident of Village- Kumhar Toli, Chhoti Pahari, P.S.- Agamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 23-08-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No.942 of 2023, arising out of Agamkuan P.S. Case No. 87 of 2023, registered for the alleged offences under Sections 304(B)/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner was married with the daughter of the informant and the petitioner and other co-accused persons used to demand Rs.50,000/- and further used to torture and treat the daughter of the informant with cruelty. Subsequently, the petitioner informed the informant that her daughter has consumed poison and the informant and her family members took her to PMCH where she died during her



treatment.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner never demanded any dowry and never subjected the wife to any cruelty in any manner. No specific overt act has been levelled against the petitioner and the allegations are mostly general and omnibus. The daughter of the informant committed suicide after jumping from the terrace out of her impulsive behaviour and this fact is corroborated from the post mortem report. Though there is allegation by the informant that the petitioner and other co-accused persons administered poison to the daughter of the informant, but the post mortem report does not corroborate this allegation. After death of the daughter of the informant, the informant and her family members brought her dead body to her matrimonial home in order to falsely implicate the petitioner and his family members. There is no material on record to show that the deceased was subjected to demand of dowry or cruelty soon before her death. The learned counsel further submits that though in this case charges were framed on 29.11.2023, but no prosecution witness has been examined till 06.05.2024. The petitioner is in custody since 29.01.2023 and is having clean antecedent.



5. Learned APP opposes the submission made on behalf the petitioner. The learned APP submits that the petitioner is the husband of the deceased and her death occurred within 7 years of her marriage.

6. Perused the record.

7. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the non-corroborative post mortem report and further considering the doubtful nature of allegation against the petitioner and further considering the slow pace of the trial and no likelihood of its conclusion in near future and also considering the period of custody of the petitioner along with his clean antecedent, he is directed to 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 Additional Chief Judicial Magistrate-IV, Patna City, Patna, in connection with Sessions Trial No.942 of 2023, arising out of Agamkuan P.S. Case No. 87 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 bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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