

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26837 of 2024

Arising Out of PS. Case No.-139 Year-2022 Thana- BODHGAYA District- Gaya

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Gautam Kumar @ Gautam Chaudhary SON OF MANOJ CHOUDHARY @
BIGAN CHAUDHARY RESIDENT OF VILLAGE- BAKRAUR, PS- BODH
GAYA, DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijendra Kumar, Adv.

For the Opposite Party/s : Mr.J.N. Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 22-08-2024 Heard learned counsel for the petitioner as well as

Mr. J.N. Thakur, learned APP for the State.

2. In this case, the petitioner is seeking regular bail in connection with Bodh Gaya P.S. Case No. 139 of 2022, registered for the offences punishable under Sections 304(B), 306/34 of the Indian Penal Code.

3. The informant Shiv Prasad Chaudhary is father of the deceased, Pratibha Kumari. As per FIR, the marriage of the deceased Pratibha Kumari was solemnized with the petitioner on 26.04.2021 according to Hindu rites and customs. The customary presents, as per the affording capacity of the informant, were given to the petitioner, but when the daughter of the informant went to her matrimonial house, the accused



persons inflicted atrocities upon her for non-fulfillment of a demand of Rs. 1,00,000/- and a car. They also threatened her to kill had their demand remain unfulfilled. On 09.03.2022, the petitioner asked Sunil Kumar, the son of the informant, on his mobile phone No. 8789077329 to take his sister from her matrimonial house otherwise there might be possibility of happening of an untoward incident.

4. Learned counsel for the petitioner submits that during investigation it was detected that the petitioner was in Maharashtra at the time of occurrence. His further submission is that the independent witnesses in Paragraph No. 6 and 7 of the case diary have stated categorically that the deceased had committed suicide. Learned counsel has also submitted that soon before her death, the deceased had Whatsapp chatting with the petitioner and the details of chatting have been annexed with the case diary which shows that she had committed suicide.

5. On the other hand, the learned APP, Shri J.N. Thakur has opposed the prayer for bail by submitting that the deceased was done to death for dowry demand within one year of her marriage in her matrimonial house. The independent witnesses in paragraph nos. 6 and 7 have also stated that the husband and wife were quarrelling usually.



6. The petitioner is husband. Merely because he is residing in Maharashtra, it cannot be said that he is not inflicting atrocities on the victim. The victim was done to death within a short period of one year in her matrimonial house. Even it is presumed to be true that she had committed suicide, the death appears to have been done other than in natural circumstances and soon before her death a demand of dowry was made. As such, The petitioner does not deserve the privilege of bail. Accordingly, his prayer for bail is rejected.

(Nawneet Kumar Pandey, J)

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