

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39762 of 2024

Arising Out of PS. Case No.-1659 Year-2023 Thana- NAWADA District- Nawada

=====

PRADEEP KUMAR @ PRADEEP CHAUDHARY @ PRADIP
CHAUDHARI S/O ARJUN CHAUDHARY @ ARJUN CHOUDHARI
Resident of Village- Rampur, P.S. Sitamarhi, District- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-06-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Nawada (Nagar) P.S. Case No. 1659 of 2023 for the offence registered under sections 304(B) and 34 of the Indian Penal Code lodged on 26.10.2023 by the informant, Umesh Chaudhary.

3. As per the prosecution story, the informant alleged that his daughter was married to one Kundan Chaudhary (brother-in-law of the petitioner) but was always tortured for dowry. Two days before the occurrence, this petitioner along with the husband came and took away the daughter and immediately thereafter he got information about the death of his daughter on 25.10.2023. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that he is the brother-in-law (*nandosi*), no role to play, the husband is already in jail since 02.01.2024 and will co-operate in the



investigation/diligently appear in trial.

5. Learned APP for the State, on the other hand, submits that there is nothing on record to show that the husband of the deceased is in jail.

6. To this, learned Counsel for the petitioner submits that it is his categorical statement based on the facts provided by the parties that the husband, Kundan Chaudhary is in jail since 02.01.2024.

7. Taking into account the aforesaid facts as also that the petitioner is of 20 years of age, he is brother-in-law, no criminal antecedent, as undertaken, will be diligently appear in trial, this Court is inclined to grant him the relief prayed for.

8. However, if it is found that the statement regarding the husband being in custody is wrong, the order shall become infructuous.

9. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Nawada (Nagar) P.S. Case No. 1659 of 2023 subject to condition as laid down under



Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

