

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61145 of 2024

Arising Out of PS. Case No.-254 Year-2022 Thana- BACHHWARA District- Begusarai

Chandra Bhushan Kumar, S/o Bishundeo Rai @ Kishundeo Rai, R/o Village
-Chamtha, Nayatola, Chamtha (Barkhut) P.S Bachhwara, District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 29-11-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Bachhwara P.S. Case No. 254 of 2022
registered for the offences punishable under Sections 304B, 201,
120B/34 of the Indian Penal Code.

3. Marriage of the daughter of the informant was
solemnized on 06.04.2020 with the petitioner. Allegedly, after
the marriage, the daughter of the informant was subjected to
demand of dowry and on account of non-fulfillment of the
same, she was done to death and her dead body was thrown in
the river Ganga. On getting information, when the informant
along with other rushed to the matrimonial home of the
deceased, the accused persons left the house and fled away.



4. Learned counsel for the petitioner contended that apart from the fact that there is no eyewitness to the alleged occurrence, during the course of investigation, statement of the independent witnesses were recorded by the Investigating Officer. It would be clearly manifest from para-7 of the case diary that on account of trifle the deceased committed suicide by hanging herself; on hulla, local people assembled there and her dead body was got down on the floor. It is further contended that, in fact, on account of fear, cremation of the deceased was done without informing the police and, as such, even if that allegation is taken to be true, it can hardly be a case under Section 201 of the Indian Penal Code, which is bailable in nature. It is lastly contended that now the petitioner has been incarcerated since 29.01.2024 having fair antecedent. Moreover, another FIR named accused person, who was put on trial in Sessions Trial No. 367 of 2023, has been acquitted by the learned Trial Court. The copy of the judgment has been placed on Annexure-2 to the bail application.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that within a year of marriage, the deceased was done to death. The death has taken place otherwise than under normal



circumstances and soon before death; the victim was subjected to cruelty over demand of dowry and, as such, presumption of dowry death cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the independent witnesses, who have not supported the prosecution case and moreover one of the co-accused person has already been acquitted by the learned Trial Court and so far the petitioner is concerned, in this case also, the charges have been framed, coupled with the fair antecedent of the petitioner, let the petitioner, named above, 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 Additional District and Sessions Judge-VIII, Begusarai in connection with Bachhwara P.S. Case No. 254 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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