

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75090 of 2023

Arising Out of PS. Case No.-32 Year-2022 Thana- DHANARUA District- Patna

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GOPAL CHAUDHARY @ GOPALI CHAUDHARY Son of Raj Nandan
Chaudhary Resident of Khapura, P.S.-Paliganj, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Sagarika, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-03-2024 Heard Ms. Sagarika, learned Counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Dhanarua P.S. Case No. 32 of 2022 for the offence
registered under sections 498(A), 304(B) and 34 of the Indian
Penal Code lodged on 21.01.2022 by the informant, Om Prakash
Chaudhary.

3. As per the prosecution story, the informant alleged
that his daughter was married to Gopal Chaudhary son of Ram
Babu Chaoudhary in the year 2019 but was always tortured for
dowry and later they got information on 20.01.2022 that she has
committed suicide. Accordingly, reached there along with the
dead body, the FIR.



4. The present petition is on behalf of the brother-in-law of the husband and is also named Gopal Choudhary son of Rajnandan Choudhary.

5. Learned Counsel for the petitioner submits that he being the brother-in-law (*jeeja*), has no role to play in the matter, living separately and only because he is part of the extended family, implicated.

6. The further submission is that the sister, husband and father-in-law are since out on bail.

7. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he being the brother-in-law, his name has also come in the FIR.

8. Taking into account the submissions put forward by the parties as also that the petitioner is brother-in-law, the other accused persons including the husband is out on bail, do not have criminal antecedent, FIR lodged and will be facing the trial, this Court is inclined to extend him privilege of anticipatory bail.

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 C.J.M., Masaudhi at Patna in connection with Dhanarua P.S. Case No. 32 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member 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)

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