

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76113 of 2024

Arising Out of PS. Case No.-679 Year-2023 Thana- CHANPATIA District- West Champaran

Akilesh Kumar Ram @ Akhilesh Kumar Ram @ Akhilesh Ram, S/o
Yogendra Ram, Resident of Village- Lagunaha Pokhara Tola, Ward No. 13,
P.S- Chanpatiya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 06-12-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. In the present case, the petitioner seeks bail in connection with Chanpatiya P.S. Case No. 679 of 2023 for the offence punishable under Sections 304(B), 201 and 120(B) of the Indian Penal Code.

3. As per prosecution case, the daughter of the informant was married with the petitioner and allegation against the petitioner and other co-accused persons is that of demanding dowry and killing the daughter of the informant and disposing of the dead body.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The marriage of the petitioner was solemnized with the daughter of the informant on 22.04.2014 and the date of alleged occurrence is 12.11.2023. So there could be no application of Section 304 (B) IPC in the present case. The said section has been incorporated at the instance of the brother of the deceased, who is a *chaukidar*, who wanted to extract money from the petitioner. The learned counsel further submits that from the written report of the FIR, it is apparent that there is no allegation against the petitioner, rather all the allegations are against the other co-accused persons, who all have been granted bail by this Court. The learned counsel further submits that the daughter of the informant died a natural death and the prosecution case is not believable. The petitioner and his deceased wife were having three children aged about 7 years, 5 years and 3 years, respectively and they have been on verge of starvation as the petitioner has been kept in custody since 19.06.2024. The learned counsel further submits that co-accused persons have been granted anticipatory bail/bail by this Court vide orders dated 12.03.2024, 12.07.2024 and 26.04.2024 passed in Cr. Misc. Nos.14310 of 2024, 39576 of 2024 and 14295 of 2024, respectively. The learned counsel further submits that it is not believable that after so many years of marriage and after birth of



three children, the petitioner or his family members would take extreme steps of doing away with the life of the wife of the petitioner. The learned counsel also submits that the petitioner is having clean antecedent and the charge sheet has been submitted.

5. Learned A.P.P. vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that the petitioner is the husband of the daughter of the informant and there is specific allegation of causing dowry death against the petitioner and other co-accused persons.

6. Perused the record.

7. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the doubtful nature of allegation for causing dowry death in the light of submission about the date of marriage and further considering the lack of substantive material against the petitioner in connection with the offence as alleged and also considering the period of custody, submission of charge sheet and his clean antecedent, the petitioner 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 Chief Judicial Magistrate, Bettiah, West Champaran in



connection with Chanpatiya P.S. Case No. 679 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 bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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