

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37769 of 2024

Arising Out of PS. Case No.-1105 Year-2023 Thana- GAYA MUFASIL District- Gaya

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Gaurav Kumar @ Kumar Gaurav Son of Arun Chaudhary @ Arun Kumar @
Arun Kumar Chaudhary Resident of Village- Malsa (Mansa), Bhore, P.S.-
Mufassil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Avinash Singh, Adv.

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 17-01-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Sessions Trial No. 115 of 2024 / 254 of 2024 arising out of
Mufassil P.S. Case No. 1105 of 2023 instituted for the offences
under Sections 304B, 34 of the Indian Penal Code.

3. Prosecution allegation, in short, is that the accused
persons including the petitioner physically assaulted and
tortured and, thereafter, committed murder of the victim due to
non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



He further submits that there is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner is the husband of the deceased. Charge has already framed in this case. He further submits that from perusal of the postmortem report, it appears that the deceased was neither assaulted nor any force was applied on her body. The petitioner or his family members have never demanded any dowry from the deceased or from her family rather the couple had a very cordial relation with two kids out of their wedlock of more than six years. The postmortem report also rules out any foul play by the petitioner in the unfortunate death of the deceased. The doctor has stated the cause of death as asphyxia and shock and the same is very likely to have been caused due to various reasons. Learned counsel for the petitioner further submits that no pesticidal and volatile poison has been detected in viscera of the deceased. From the injury report, it also appears that there is no external injury upon the body of the deceased. The petitioner has no criminal antecedent and is languishing in judicial custody since 08.11.2023 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Arun Chaudhary @ Arun Kumar



Chaudhary has been granted bail by this Court vide order dated 20.03.2024 passed in Cr. Misc. No. 21069 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The petitioner is the husband of the deceased and, hence, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent as also there being no specific and direct allegation of assault against the petitioner, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Sessions Trial No. 115 of 2024 / 254 of 2024 arising out of Mufassil P.S. Case No. 1105 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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