

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54306 of 2024

Arising Out of PS. Case No.-94 Year-2013 Thana- HASPURA District- Aurangabad

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Ramu Choudhary, Son Of Janki Choudhary Village- Koilwan, P.S.- Haspura,
Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nagendra Sharma, Advocate
		Mr. D.K. Sinha, Advocate
For the State	:	Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 21-04-2025 Heard Mr. Nagendra Sharma, learned counsel for

the Petitioner and Mr. Anil Kumar Singh No. 1, learned APP for

the State.

2. The petitioner apprehends his arrest in connection
with Haspura P.S. Case No. 94 of 2013 dated 08.08.2013
registered for the offences punishable under Sections 498(A),
307/34 and 304(B) of the Indian Penal Code and Sections 3/4 of
the D.P. Act.

3. As per prosecution story, on 24.07.2013 at about
11:00 pm, informant's husband (petitioner), her father-in-law
and mother-in-law gave mobile phone in the hand of the
informant and asked her to demand Rs. 50,000/-, a golden chain
and a motorcycle from her father and when the informant



refused to do so, they stuffed a cloth in the mouth of the informant and set fire on the body of the informant.

4. The main submissions advanced by the petitioner's counsel are that the FIR was registered 15 days after the commission of the alleged occurrence, the petitioner is husband of the deceased, the trial of co-accused persons has ended in which the material witnesses were examined including the children of the deceased who did not say anything in support of the allegation of any kind of torture to the deceased by this petitioner and in this regard, deposition's copy, filed with this petition as Annexure-3 series may be perused. It is further submitted that the marriage of the deceased took place in the year 2006 and she died in the year 2013, between the period of marriage and death, no complaint with regard to any torture or dowry demand with the deceased by the accused including the petitioner was made, in fact, the deceased sustained burn injury accidentally and in this regard, the evidence of the victim's children given in the trial of the co-accused is relevant.

5. Learned APP appearing for the State has opposed the prayer for bail of the petitioner.

6. Heard both the sides and perused the FIR and order of trial court rejecting the petitioner's prayer, the FIR is based



on the *fardbeyan* of the deceased and the same was recorded in the year 2013 and now, in the year 2024 the petitioner is making prayer for anticipatory bail and admittedly, the victim died of burn injury and as per the trial court's order, the trial of co-accused has ended in their conviction and during investigation, for getting the appearance of the petitioner, processes were issued under Sections 82 and 83 of Cr.P.C. but even then, the police could not get the appearance of the petitioner therefore, the chargesheet was filed against the petitioner, considering these facts, this Court is not inclined to grant the relief of anticipatory bail to the petitioner, accordingly, his prayer stands rejected.

7. However, the petitioner is given a liberty to surrender before the trial court, if he avails this liberty, then the learned trial court will decide his regular bail prayer without being prejudiced with this order according to merit.

(Shailendra Singh, J)

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