

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4348 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- Lokha District- Supaul

Rajesh Choudhary @ Rajesh Choudhari @ Rajesh Kumar Son fo Ramdeo Chaudhary @ Ramdev Chaudhari Resident of Village-Bela, Ward No. 15, P.S.- Laukaha, District- Supaul

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Laleshwar Ram Son of Sitaram Ram Resident of Village- Chhapariya, P.S.- Laukaha, Distt.- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kamal Kishore Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 24-01-2025 1. Heard the parties.

2. The present appeal has been preferred against the order dated 01.08.2024 passed by learned Additional Sessions Judge 1st cum Special Judge SC /ST Supaul in RB (SC/ ST) No. 54 of 2024 (SC / ST Case No. 46 of 2024 arising out of Laukaha P.S. Case No. 18 of 2024 registered for the offence under Section 304(B), 302, 34 of the I.P.C. and Section 3(1)(r)(s), 3(2)(v) SC / ST Act whereby and where under prayer for regular bail of the appellant has been rejected and further for grant of bail.

3. As per the prosecution case the appellant- Rajesh Choudhary (husband of the deceased) enticed and abducted the daughter of the informant and thereafter performed marriage with her



six years ago. It is alleged that the appellant along with the father-in-law, mother-in-law, Bhaisur started demanding Rs. 5 Lakh as dowry and due to non fulfillment of dowry demand they tortured her both mentally and physically. The accused persons also abused the deceased by her caste name. On the fateful day of 15.05.2024 the “Bhaisur” of the deceased gave information over phone that the daughter of the informant has died. Upon this information, the informant went to the matrimonial home of his daughter and found his daughter lying dead on the ground while the accused persons were absconding.

4. Learned counsel for the appellant submits that the appellant is innocent and has not committed any offence in the manner alleged. He submits that the appellant is the husband of the deceased and no overt act has been attributed to him and the allegation levelled in the F.I.R. is general and omnibus in nature. He next submits that no direct or indirect evidence has come during the course of investigation showing demand of dowry made by the appellant. He also submits that no offence under the SC/ST Act is made out against the appellant since there is no allegation of abuse by calling caste name in public place or in full public view. He submits that the appellant voluntarily surrendered on 29.05.2024 and since then he is



languishing in jail.

5. Learned Special Public Prosecutor appearing for the State vehemently opposed the prayer for bail.

6. I have heard learned counsel for the parties and perused the material on record. The appellant is the husband of the deceased and marriage of the informant's daughter was solemnized with the appellant about six years ago and within seven years of marriage she was done to death in her matrimonial home. The nature of death is not important, as to whether, it was natural, accidental, homicidal or suicidal but within seven years of marriage the informant's daughter has been found dead and there is close proximity of time between demand of dowry and death of the informant's daughter. There is presumption against the appellant under Section 113A & 113B of the Indian Evidence Act being the husband of the deceased. Furthermore, learned Additional Sessions Judge-I cum Special Judge SC / ST Supaul while refusing the prayer for bail has taken note of the fact that informant in his re-statement in paragraph no. 3 and other witnesses in paragraph no. 4 & 5 of the case diary have supported the factum of occurrence as well as the involvement of the appellant. The inquest report and the post mortem report also show that the death of informant's daughter was caused by



strangulation. Moreover, charge sheet has also been submitted against the appellant under Section 302, 304(B)/34 of the I.P.C. and Section 3(1)(r)(s), 3(2)(V) of the SC/ST Act.

7. In view of the aforesaid, I do not find any illegality and / or irregularity in the order dated 01.08.2024 passed in RB (SC/ST) Case No. 54 / 2024 (SC/ST Case No. 46 / 2024 arising out of Laukaha P.S. Case No. 18/2024) by the learned Additional Sessions Judge-I cum Special Judge SC / ST, Supaul, as such, there is no reason to differ with the findings of the learned court below. Accordingly, this application is rejected.

8. However, the appellant may renew his prayer for bail after nine months if the trial does not show any substantial progress.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

