

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69926 of 2024

Arising Out of PS. Case No.-253 Year-2023 Thana- ALOULI District- Khagaria

Sumit Kumar S/O Raj kishor Chaudhary Resident of village- kanaria, P.S-
Simri Bakhtiyarpur (kanaria O.P), District- Saharsa

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Mahendra Chaudhary S/o Late Baldew Chaudhary Resident of village-
Charakhara, P.S.- Alauli, District - Khagaria

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 73007 of 2024

Arising Out of PS. Case No.-253 Year-2023 Thana- ALOULI District- Khagaria

- 1. Ranjan Devi Wife of Raj Kishor Chaudhary Resident of village- Kanaria,
P.S.- Simri Bakhtiyarpur, (Kanaria O.P.) District- Saharsa
- 2. Raj Kishor Chaudhary Son of Late Ramchandra Chaudhary Resident of
village- Kanaria, P.S.- Simri Bakhtiyarpur, (Kanaria O.P.) District- Saharsa

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Mahendra Choudhary S/o Late Baldew Choudhary Resident of village-
Charakhara, P.S.- Alauli, District - Khagaria

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 69926 of 2024)
For the Petitioner/s : Mr.Anuj Kumar
For the Opposite Party/s : Mr.Jharkhandi Upadhyay
(In CRIMINAL MISCELLANEOUS No. 73007 of 2024)
For the Petitioner/s : Mr.Anuj Kumar
For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 14-05-2025 Heard learned counsel for the petitioners, learned

APP for the State and learned counsel for the informant. As both

these bail applications arise from the same police station case



number, hence, with consent of parties, they are being heard together and disposed of by this common order.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 304(B), 120(b)/34 of the Indian Penal Code. The petitioner in the first case Sumit Kumar is the husband while the petitioners in the second case are the father-in-law and mother-in-law of the deceased.

3. The allegation in the First Information Report is that the accused persons were torturing the deceased on account of non-fulfillment of demand of dowry and thereafter on 05.06.2023, the husband of the deceased, who is the petitioner Sumit Kumar, went to his Sasural and in the night, he strangled the deceased to death.

4. Learned counsel for the petitioners submits that the allegations levelled in the First Information Report are not correct and although the deceased had died in the night of 05.06.2023, the present FIR was lodged on the next day in the night at around 9:50PM after due thought and deliberation. It has further been pointed out that the story disclosed in the FIR itself does not seem to inspire confidence and it is totally unbelievable that the petitioner Sumit would go to the house of



the informant and would commit the murder of the deceased. Learned counsel for the petitioners has further invited the attention of this Court to the statement of the informant which has been recorded under Section 164 of the Cr.P.C. during the course of investigation wherein the informant has made a categorical statement that his daughter was under treatment since quite sometime and all of a sudden, she died on the fateful night in his house. It has further been stated by him that upon being stated by the people and upon social pressure the informant lodged the present case on the husband and the family members of his daughter.

5. In any view of the matter, there are general and omnibus allegations against the petitioners of Cr. Misc. No. 73007 of 2024 and the allegation against the petitioner Sumit Kumar of Cr. Misc. No. 69926 of 2024 seems to be contradicted by the informant's own statement made under Section 164 Cr.P.C.

6. The application has been opposed by the learned APP for the State and learned counsel for the informant.

7. In such view of the matter, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of



four weeks from today, on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of the learned court below
where the case is pending/successor court in connection with
Alauli P.S. Case No. 253 of 2023, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C./482(2) of the
B.N.S.S., and subject to the further condition that the petitioner
shall cooperate in the investigation/trial.

(Soni Shrivastava, J)

devendra/-

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