

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75154 of 2025

Arising Out of PS. Case No.-190 Year-2020 Thana- AMARPUR District- Banka

Awadhesh Kumar Choudhary @ Awadhesh Choudhary @ Awadhesh Kumar
@ Adwesh Kumar Choudhary S/o Bacchilal Choudhary @ Bachhi Choudhary
Resident Of Village- Rampur, Ps -Amarpur, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 13-02-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 341, 323, 304 (B) and 34 of the
Indian Penal Code.

3. As per the prosecution case, petitioner and others killed
the sister of the informant for non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that it is
itself evident from the First Information Report that the marriage
between the deceased and the petitioner had taken place twenty years
prior to the date of occurrence and for two years there was no
complaint in behaviour of the accused persons and it is only later that
it has been alleged that cruel treatment was meted to her and all of a
sudden on 15.04.2020, it was stated that the deceased was killed by



her in-laws. As a matter of fact, since the death has taken place much after a period of seven years therefore Section 304(B) of the I.P.C shall not be applicable. Considering it to be a case under Section 302 of the I.P.C, there is no eye witness of the case. Petitioner is in custody since 30.6.2025 and has no criminal antecedent.

5. Learned APP for the State opposed the bail petition mainly on the ground that the petitioner is the husband of the deceased and the postmortem report also shows that it is an asphyxial death due to manual strangulation.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner is the husband who is primarily responsible for the welfare of the wife, coupled with the fact that the death took place in the matrimonial house and the postmortem report also indicates death to be caused by strangulation, this court is not inclined to grant bail to the petitioner at this stage.

7. However, the learned trial court is directed to expedite the case and in case no substantial development takes place towards the examination of witnesses, the petitioner shall be at liberty to renew his prayer for bail at an appropriate stage.

(Soni Shrivastava, J)

vashudha/-

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

