

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43585 of 2017

Arising Out of PS.Case No. -202 Year- 2017 Thana -BIHIYA District- BHOJPUR

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1. Shambhu Nath Gupta S/o late Sudama Gupta
2. Basuki Nath Gupta@ Bashuki Nath Gupta
3. Tarkeshwar Nath Gupta, both Sons of Shambhu Nath Gupta
All Resident of Village- Teghra, P.S.- Bihiya, District- Bhojpur at Ara.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan

For the Opposite Party/s : Smt. Rita Verma

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 16-11-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

Petitioners are languishing in judicial custody since
23.06.2017 in connection with Bihiya P.S. Case No. 202/17 for
offences punishable under Sections 304-B/34 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that his sister Rajni Devi was married to one Baijnath Gupta in the
year 2011 and had two children. She was always tortured for non-
fulfillment of demand of dowry and was killed by her husband and
in-laws.

It has been submitted by the learned counsel for the



petitioners that they are innocent, petitioner no. 1 is the father-in-law and petitioner nos. 2 and 3 are Dewars of the deceased. He submits that general and omnibus allegations have been levelled against them and the husband is already in custody since 16.08.2017. He further submits that no specific allegation is upon the petitioners and it was the husband who had come and taken his wife on promise to keep his wife with full dignity and honour just seven days before the alleged occurrence. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel appearing for the informant submits that petitioners have always tortured the deceased for non-fulfillment of demand of dowry and although the undertaking was given by the husband that he would keep his wife with full dignity and honour, but just after seven days she has been killed by them. He submits that the petitioners are influential persons and are giving threatening to withdraw the case for which he has filed counter affidavit annexing a protest petition filed before the Chief Judicial Magistrate, Bhojpur at Ara alleging that the police officials are not cooperating in the investigation.

Learned APP for the State also opposes the prayer for



bail.

Considering the facts and circumstances and the materials on record and that the husband is already in custody, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Bihiya P.S. Case No. 202 of 2017, subject to the following conditions :

- (i) Both the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.
- (ii) Petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.
- (iii) Petitioners will also appear before the concerned police station in the first week of every month and mark their attendance till one year, failing which their bail bonds would be cancelled.

(Nilu Agrawal, J)

Rajesh/-

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