

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8760 of 2019

Arising Out of PS. Case No.-105 Year-2018 Thana- BACHHWARA District- Begusarai

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1. Manoj Rai, son of Sahdeo Rai, Resident of Village - Sherpur, Gonuchak, P.S. Vidyapatinagar, District Samastipur
 2. Binod Rai, son of Sahdeo Rai, Resident of Village - Sherpur, Gonuchak, P.S. Vidyapatinagar, District Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since 12.12.2018 in connection with Bachhwara P.S. Case No. 105 of 2018 for offences punishable under Sections 304-B/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case, as lodged by the informant, is that he had married his daughter Nishu Kumari to co-accused Sikandar Rai and the in-laws of his daughter always tortured her for non-fulfillment of demand of dowry. On 02.07.2018, the informant received a telephone call from petitioner no. 1 that his daughter has been brutally assaulted by the husband and in-laws



named in the First Information Report and killed her. It is further alleged that the petitioners, who are the relatives of informant have helped the other co-accused in disposing off the dead body.

It has been submitted by the learned counsel for the petitioners that they are innocent and petitioner no. 1 is a witness to the alleged occurrence, as stated by the informant in his protest petition as contained in Annexure-2. He further submits that in order to help the in-laws of the deceased daughter of the informant the petitioners have been made accused which has been stated by the informant before the ACJM-VI, Begusarai, which is Annexure-3. It is further submitted that no overt act has been alleged to have been committed, petitioners are relatives of the informant and have been falsely implicated.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, 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 Addl. Chief Judicial Magistrate-VI, Begusarai, in connection with Bachhwara P.S. Case No. 105 of 2018, subject



to the following conditions :

(i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his 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.

(Nilu Agrawal, J)

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