

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13022 of 2019

Arising Out of PS. Case No.-145 Year-2018 Thana- HILSA District- Nalanda

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1. Biran Gope, Son of Late Arjun Prasad, Resident of Village- Makhdum Tola, Dariyapur, P.S.- Hilsa, Distt.- Nalanda
 2. Rahul Prasad, Son of Biran Gope, Resident of Village- Makhdum Tola, Dariyapur, P.S.- Hilsa, Distt.- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lallu Prasad

For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-03-2019 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

Petitioners are languishing in judicial custody since 27.11.2018 in connection with Hilsa P.S. Case No. 145 of 2018, G.R. No. 478 of 2018 for offences punishable under Section 304B/34 of the Indian Penal Code and Section 3/4 of D.P. Act.

The prosecution case as lodged by the informant is that his daughter Sunita Kumari was married to one Ram Lakhan Prasad son of petitioner no.1 in the month of May 2017 but she was always tortured for non-fulfillment of demand of Rs. One Lakh and Motorcycle and was ultimately killed by the petitioners and other in-laws including the husband.



It has been submitted by the learned counsel for the petitioners that they are innocent, petitioner no. 1 is father-in-law and petitioner no. 2 is brother-in-law of the deceased and general and omnibus allegation has been levelled against them. He submits that the mother-in-law against whom similar allegation has been levelled has since been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 43677 of 2018 vide order dated 23.07.2018. He submits that the husband of the deceased is in custody since 24.12.2018 as stated in para-14 of the present application and charge-sheet has already been submitted against the petitioners, there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that it is a case of dowry death by the in-laws and husband including the petitioners.

Considering the facts and circumstances of the case and the nature of allegations and that on similar allegation one of the co-accused has been granted the privilege of bail, let the petitioners above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Hilsa, Nalanda in connection



with Hilsa P.S. Case No. 145 of 2018, G.R. No. 478 of 2018,
subject to the conditions:-

(1) One of the bailors would be close relative of the
petitioners having sufficient immovable properties, who will file
an affidavit stating his relationship with the petitioners.

(2) The 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)

devendra/priyanka

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