

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7963 of 2020

Arising Out of PS. Case No.-837 Year-2019 Thana- AHYAPUR District- Muzaffarpur

1. SATYENDRA KUMAR @ SATYENDRA KUMAR SINGH @ SATAYANDRA KUMAR SINGH Son of Lalan Prasad Singh
2. Khushbu @ Smriti Anand @ Smitri Anand Wife of Satyendra Kumar @ Satyendra Kumar Singh @ Satayanda Kumar Singh
Both Resident of Village - Umapat Basant, P.S.- Aurai, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh
For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 498A, 307, 379, 120(B) of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

The accusation is that marriage of complainant informant, Priya Bharti was performed with one Suman Kumar on 11.02.2018 and after marriage, she went at her matrimonial house in village Govind Pitaujiya, P.S. Runnisaidpur, District- Sitamarhi with gifted articles. After six months, husband and in-laws of complainant-informant made demand of motorcycle and



gold chain then she informed to her brother, Shashank Kumar, who handed over Rs.40,000/- to her father-in-law and mother-in-law saying that Rs.15,00,000/- was already been given to purchase four wheeler. In the meantime, she came to know that her father-in-law had killed his first wife by administering poison through injection and threatened to kill her in same manner by her husband and in-laws. Thereafter, her husband and in-laws injected three injections in three months, as a result, she became ill. Thereafter, her father and other family members came to her matrimonial house and tried to pacify the matter and she was checked up at clinic, where HIV positive was detected in her blood.

It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case. Petitioner no.1 is brother-in-law and petitioner no.2 is the married sister-in-law of the informant. It is further submitted that allegation of giving injection of HIV + by the in-laws is totally false and bereft of any truth. Petitioners have no criminal antecedent. Husband of the informant has already been granted regular bail by a co-ordinate Bench of this Court vide order dated 07.01.2020 passed in Cr. Misc. No.76304 of 2019.

Considering the aforesaid facts and circumstances of



the case, let the petitioners named above be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Ahiyapur P.S. Case No.837 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bonds.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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