

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.34124 of 2020**

Arising Out of PS. Case No.-157 Year-2020 Thana- GANDHIMAIDAN District- Patna

1. KHUSHBU DEVI Wife of Shri Bijay Prasad @ Vijay Prasad @ Vijay Kumar Sah @ Bhola Sao Resident of Golghar Chauraha, P.S.- Gandhi Maidan, District- Patna, State- Bihar.
2. BIJAY PRASAD @ VIJAY PRASAD @ VIJAY KUMAR SAH @ BHOLA SAO SON OF LATE BAIDYANATH SAO @ BAIDNATH SAH Resident of Golghar Chauraha, P.S.- Gandhi Maidan, District- Patna, State- Bihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh No. 5, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2020 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Arun Kumar Singh No. 5, learned APP for the State.

The petitioners in the present case are mother-in-law and the father-in-law respectively of the deceased. They are seeking regular bail in connection with Gandhi Maidan P.S. Case No. 157 of 2020 registered for the offence punishable under Sections 306/498(A)/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the deceased was married to one Sachin Kumar who happens to be



the son of these petitioners. The marriage had taken place in the year 2014 and during 6 years' period prior to the present occurrence there was no allegation much less any complaint against the petitioners either of demanding dowry or in any manner torturing the deceased.

Learned counsel further submits that the husband of the deceased is already in custody. It has been submitted that these petitioners were residing on the third floor of the house whereas the deceased and her husband were residing on the first floor of the said house. They were living separately in mess and business and further from the allegations in the FIR it would appear that there are allegations that the husband had taken a sum of Rs.3,50,000/- from the deceased and the deceased was demanding the said amount whereupon it seems that quarrel had taken place between the husband and wife.

So far as these petitioners are concerned, learned counsel submits that they have been made accused only because they happen to be the parents of the husband of the deceased.

Learned APP for the State has opposed the prayer for regular bail of the petitioners as according to him there are allegations against the petitioners in the First Information Report.



Having regard to the facts and circumstances of the case, taking note of the aforesaid submissions of learned counsel for the petitioners and finding that these petitioners are mother-in-law and father-in-law, in the FIR there are general kind of allegations and the cause of quarrel as disclosed in the FIR shows that the husband of the deceased had taken money of Rs.3,50,000/- that was perhaps the cause of quarrel, the petitioners have already remained in jail for about 6 months and the trial is not likely to be concluded in near future, there is no submission on behalf of the State that release of the petitioners at this stage is in any way likely to result in tampering with evidence or interfering with the course of trial, let the petitioners above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Patna in connection with Gandhi Maidan P.S. Case No. 157 of 2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence



similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that they will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

