

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38436 of 2020

Arising Out of PS. Case No.-137 Year-2020 Thana- CHIRAIYA District- East Champaran

1. Akhilesh Kumar Ram @ Akhilesh Ram, Son of Binda Ram, Resident of Village - Ruphari, P.S. - Sikarganj, District - East Champaran
2. Kumari Pushpa, Wife of Akhilesh Kumar Ram @ Akhilesh Ram, Resident Of Village - Ruphari, P.S. - Sikarganj, District - East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Yogesh Chandra Verma, Sr. Advocate
Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-12-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned Senior Counsel for the petitioners and
Ram Sumiran Rai, learned A.P.P. for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Chiraiya (Sikarganj) P.S. Case No. 137 of 2020 registered for the offence punishable under Sections 304B, 120B/34 of the Indian Penal Code. Petitioners have got no criminal antecedent.

Learned Senior Counsel for the petitioners submits
that the petitioners are Bhaisur and Gotani of the informant's



daughter. It is submitted that as per the prosecution story the marriage of the informant's daughter was performed with the elder brother of this petitioner in the year 2012 and there is an allegation of demand of dowry against the accused persons. It is alleged that the informant's daughter has been killed by administering poison.

Learned Senior Counsel submits that the petitioners are innocent and have been falsely implicated in this case. Learned Senior Counsel submits that there is no specific allegation of demand of dowry and torture against these petitioners.

Mr. Ram Sumiran Rai, learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the submissions that these two petitioners are Bhaisur and Gotani of the deceased respectively, although the F.I.R. has been lodged under Section 304(B), 120(B)/34 of the Indian Penal Code but on perusal of the fardbeyan itself it would appear that the marriage between the parties was solemnized in the year 2012, therefore, it was more than seven years ago and further submission that so far as these two petitioners are concerned, they are living separately in mess and business, the petitioner no. 1 is an Advocate practising in



Civil Court, Dhaka and the petitioner No. 2 is working as Vikash Mitra in Gram Panchayat Ruphara, this Court directs the petitioners above-named in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikrahana (Dhaka), Motihari, East Champaran in connection with Chiraiya (Sikarganj) P.S. Case No. 137 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

