

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2121 of 2021

Arising Out of PS. Case No.-73 Year-2020 Thana- VISHNUPAD District- Gaya

1. ARJUN RAY Son of Late Binda Ray @ Binda Maharaj Resident of Khaira, Bhattbigha, Tekari, P.S.-Tekari (Tikari), District-Gaya.
2. Gugal Devi @ Usha Devi W/o Arjun Ray Resident of Khaira, Bhattbigha, Tekari, P.S.-Tekari (Tikari), District-Gaya.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tej Kumar Maharaj, Advocate

For the Opposite Party/s : Mr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-03-2021 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 counsel for the petitioners and Dr. Ajeet Kumar, learned A.P.P. for the State.

The petitioners are father-in-law and mother-in-law respectively of the deceased. They are seeking regular bail in connection with Vishnupad P.S. Case No. 73 of 2020, G.R. No. 1461 of 2020 registered for the offence under Sections 304(B)/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that these petitioners are 71 years and 61 years old respectively, they were permanently residing in village Khaira, Bhattbigha, Tekari, Gaya



whereas the alleged occurrence has taken place in the premises of one Vishnupad Apartment falling within the Vishnupad Police Station where the deceased was residing with her husband. Her husband was a driver working for an apartment owner and had been provided with the residence. Learned counsel has brought to the notice of this Court the F.I.R. and submits that the alleged place of occurrence is duly mentioned in the F.I.R.

Learned counsel has further pointed out that the allegation of demand of dowry is totally false and baseless as it would be evident from the materials on the record that the marriage between the deceased and the son of these two petitioners had taken place in Gauri Shankar Baikunthnath Mandir at village Baikatpur under P.S. Khushrupur. Learned counsel submits that the petitioners were arrested from their village and are in custody since 21.08.2020. It is submitted that the husband of the deceased has already surrendered and he is in judicial custody, moreover the deceased was admitted in the hospital after the alleged fall from the stairs in the apartment and she was brought to A.N.M.M.C. Hospital, Gaya from where she was referred to the higher centre at Patna. It is lastly submitted that the 8 months child of the deceased is also with these petitioners in jail.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioners but he has not denied that



in the F.I.R. the place of occurrence is said to be the apartment under the Vishnupad Police Station whereas these petitioners are residing in their village and from there they were arrested.

Having regard to the aforementioned facts and circumstances of the case and the fact that these petitioners are father-in-law and mother-in-law respectively, they are in custody with 8 months child of the deceased for almost 6 months and the husband of the deceased has already surrendered, investigation against the petitioners is complete and at this stage it is not the submission of the State that their release may result in tampering with evidence or interfering with the course of trial, let the petitioners above named be released on bail on furnishing of 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 C.J.M. Gaya in connection with Vishnupad P.S. Case No. 73 of 2020, G.R. No. 1461 of 2020 subject to the condition as laid down under Section 437 (3) 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 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.

This application stands disposed of accordingly.

(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'.

