

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9753 of 2021**

Arising Out of PS. Case No.-271 Year-2020 Thana- BARAUNI District- Begusarai

1. Vijay Kumar @ Vijay Rai, Son Of Late Sogarath Rai, Resident Of Village- Amarpur, P.S.- Barauni (CHAKIA O.P.), District- Begusarai.
2. Bandana Devi @ Bandana Kumari, Wife Of Vijay Kumar @ Vijay Rai, Resident Of Village- Amarpur, P.S.- Barauni (CHAKIA O.P.), District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shaishav Kumar, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 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 counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Barauni (Chakia O.P.) P.S. Case No.271 of 2020 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

As per the prosecution story, on 27.07.2020 the informant filed a written report in which he alleged that two years ago the marriage of his daughter was solemnized with one Dheeraj Rai, son of late Sogarath Rai. It is alleged that the



petitioners who are Bhaisur and Gotani of his daughter and mother-in-law used to torture her daughter for demand of dowry. It is further alleged that on 27.07.2020 he got information that his daughter was killed by her in-laws as named in the FIR by strangulating her neck.

Learned counsel for the petitioners submits that the petitioners are the Bhaisur and Gotani respectively of the deceased and the allegations against them are general and omnibus because they happened to be the kith and kin of the husband of the deceased. Learned counsel submits that there is no specific allegation against the petitioners and they were living separately in mess and business

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the submissions that these two petitioners are the Bhaisur and Gotani respectively of the deceased, the allegations against them are general and omnibus because they happened to be the kith and kin of the husband of the deceased, there is no specific allegation against them and the submission being that the petitioners being co-sharer of the deceased were living separately in mess and business and the learned court below while rejecting the prayer for pre-arrest bail



of the petitioners has not noticed any specific material against them, this Court directs that the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Barauni (Chakia O.P.) P.S. Case No.271 of 2020 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, 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)

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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'.

