

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2999 of 2022**

Arising Out of PS. Case No.-384 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. AFJAL ALI @ MUNNA SAI SON OF RAFIQUE SAI R/O VILLAGE-
FATAHA, P.S.- GOPALGANJ, DISTRICT- GOPALGANJ
 2. RAFIQUE SAI SON OF SATTAR SAI R/O VILLAGE- FATAHA, P.S.-
GOPALGANJ, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vyas Kumar Mishra, Adv.
For the APP	:	Mrs. Dr. Indihar Kumari, APP
For the O.P.	:	Mr. Pranav Kumar, Adv.
	:	Mr. Raju Prasad, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 18-05-2022 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 304(b), 302, 120(B) and 364 of the Indian Penal Code and later on charge-sheet has been submitted under Section 364 of the Indian Penal Code.

The daughter of the complainant is subjected to assault on account of non-fulfillment of demand of dowry and finally she has been done to death.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent,



are innocent and have falsely been implicated in this case. In fact, the petitioners happens to be husband and father-in-law of the deceased and they have never assaulted the deceased or demanded any dowry in any manner. He further submits that at the time of occurrence, both the petitioners were at Abbu Dhabi in Saudi Arabia. He further submits that there is general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to him. The petitioners are rotting in judicial custody since 29.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Gopalganj Town P.S. Case No. 384 of 2018 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without



sufficient reason, their bail bond shall be canceled by the Court below.

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

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.

(Rajesh Kumar Verma, J)

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