

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3106 of 2022

Arising Out of PS. Case No.-183 Year-2021 Thana- GHOSI District- Jehanabad

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Sumanti Devi @ Sumitra Devi W/o Budhdev Yadav Resident of Village-
Ramganj (Sahobigaha), P.S.- Ghosi, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 27800 of 2022

Arising Out of PS. Case No.-183 Year-2021 Thana- GHOSI District- Jehanabad

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Budhdeo Yadav S/o Late Binda Sharan Yadav @ Binda Yadav R/o village-
Ramganj Sahobigha, P.S.- Ghoshi, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 3106 of 2022)

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Parmanand Kumar

(In CRIMINAL MISCELLANEOUS No. 27800 of 2022)

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 28-11-2022 Heard learned counsel for the petitioners and Ld.
APP for the State.

The petitioners seek bail in connection with Ghoshi P.S. Case No. 183 of 2021, registered for the offences punishable under Sections 304B, 201, 120B and 34 of the Indian Penal Code.

The prosecution case as emerging from the FIR is that victim Vibha Kumari has become victim of dowry death at the hands of the accused persons including the petitioners who are other than husband. It is further alleged that as per FIR death of the victim was not informed to the parents and when it come to the knowledge of the family members of the victim, they came along with police at the place of cremation where half burnt dead-body of the victim was recovered.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that petitioners are father-in-law and mother-in-law of the alleged victim and they have no role in the commission of the alleged offence. He further



submits that petitioners, namely Sumanti Deiv @ Sumitra Devi and Budhdeo Yadav have been languishing in jail since 30.10.2021 and 02.03.2022 respectively. He also submits that investigation in this case is complete and charge-sheet has already been submitted. However, charge has not been framed.

It is also stated in paragraph no. 2 of the petition that the petitioner have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioners have no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. C.J.M, Jehanabad in connection with Ghoshi P.S. Case No. 183 of 2021, **after framing of charge, if not already framed**, on the



following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners 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 them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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