

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10211 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- RAJAOLI District- Nawada

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1. Ram Peyare Singh, Son of Hari Singh, Resident of Village- Gairwa, Police Station- Rajauli, District- Nawada.
 2. Sushila Devi, W/o Ram Peyare Singh, Resident of Village- Gairwa, P.S.- Rajauli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Rajauli P.S. Case No. 139 of 2021 registered
for the alleged offences under Section 304(B) of the Indian
Penal Code.

As per prosecution case, the petitioners are the
parents-in-law of the deceased daughter of the informant.
Allegation against the petitioners is that at their instigation, co-
accused husband of the deceased strangled her to death.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. From the F.I.R. it is apparent that there was no demand of dowry and whatsoever his allegation, there was no earlier complaint by the informant or the deceased against the petitioners and others. There is a four years old daughter and a one year old son of the deceased out of the wedlock. Learned counsel further submits that the children are in jail with the petitioners. The daughter of the informant committed suicide as the daughter of the informant wanted to live with her husband but due to his poor income, her husband could not take her along. The post mortem report of the deceased shows she committed suicide by hanging. The petitioners have been named in this case because of the fact that they are parents-in-law of the deceased. No occurrence as alleged has ever taken place. The daughter of the informant committed suicide by hanging herself with a rope and as such this is a case of suicide and not a case of dowry death. The petitioners are in custody since 30.08.2021. Charge sheet has been submitted against the petitioners. Similarly, placed co-accused persons have been granted bail by a Coordinate Bench vide order dated 04.07.2022

passed in Cr. Misc. No. 57669 of 2021.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners submitting that the allegation of causing death of the daughter of the informant is also against the petitioners along with his son.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioners are stated to be the parents-in-law of the deceased daughter of the informant and the allegations are mostly vague and general against the petitioners and other co-accused persons and also considering the submission of charge sheet along with period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Rajauli P.S. Case No. 139 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present

on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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