

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9714 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- AGION (GARHANI) District- Bhojpur

1. USHA DEVI W/o Bhim Prasad ,
 2. Bhim Prasad S/o- Late Mahadev Prasad ,
 3. Kundan Kumar S/o- Bhim Prasad,
- All are Residents of Village- Kapur Diyara, P.S. - Barhara, District - Bhojpur
at Present Village and P.O. - Garhani, P.S. Agion (Garhanni), Distt.- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Adv.
For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Agiaon
(G) P.S. Case No. 100/2021 registered for the offences
punishable under Sections 304 (b), 201 and 34 of the Indian
Penal Code.

As per prosecution case, the informant Aarti Devi is
that she married her daughter Puja Kumari to Chandan Kumar
on 11.06.2021. After her marriage, her daughter was subjected
to cruelty and harassment at the hands of her in-laws on account



of dowry. Her daughter had informed them of the same. On 08.07.2021, petitioner, Bhim Prasad, father-in-law of the victim asked the informant to come to his village and when she came on 11.07.2021 around 8.30 am, she found the house locked and was informed by the neighbours that the petitioners and others had killed her daughter and concealed her body.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. The occurrence took place on 11.07.2021 and FIR lodged on 16.07.2021 and there is delay of five days without there being any plausible explanation for such inordinate delay. There is no specific allegation of either demand of dowry or of harassment in connection with such demand have been levelled on the petitioners rather allegations against them are of general, vague at omnibus in nature. The petitioners used to live separately at Garhani, P.S. Agion (Garhanni), Distt.-Bhojpur in connection with business for their livelihood. The petitioners are in-laws, have no concern with the alleged occurrence and the husband of the deceased is in custody. In fact, the deceased had severe pain in her stomach after which she was taken to the Government Hospital, Udwant Nagar where she died. During course of treatment of the deceased her family members



including the informant were informed and after her death her last night was performed in presence of her family members. The petitioner no.1 is languishing in custody since 19.09.2021 and the petitioner nos. 2 and 3 are languishing in custody since 23.10.2021. The petitioners bear no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, nature of allegation, petitioners are residing separately from the victim (since deceased) and her husband as submitted, charge sheet has already been submitted and keeping in view clean antecedent of petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Bhojpur, Ara, in connection with Agiaon (G) P.S. Case No. 100/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

