

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18780 of 2022

Arising Out of PS. Case No.-36 Year-2021 Thana- BELSAND District- Sitamarhi

1. RAMDEO JHA S/o - Late Gunanand Jha R/o Vil- Partarpur, P.S.- Belsand, Dist.- Sitamarhi.
2. Bipin Jha @ Golu Jha S/o- Ramdeo Jha R/o Vil- Partarpur, P.s.- Belsand, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Bihari Tiwary

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 17-08-2022 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 Belsand P.S. Case No. 36/2021 registered for the offences punishable under Sections 341, 323, 304(B), 201, 120(B)/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

As per prosecution case, there is accusation against the petitioners and others to have committed suicide by the victim due to non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that



petitioners are innocent and have falsely been implicated in this case. Petitioner no.1 is father-in-law and petitioner no.2 is Dewar of the deceased and they are residing separately and victim and her husband were living separately but the entire family members have been implicated in this case due to ulterior motive. The petitioners are languishing in custody since 28.07.2021 and bear no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Similarly situated co-accused, Mala Devi has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.72206/2021 and other accused persons have already been granted anticipatory bail by the co-ordinate Bench of this court vide Cr. Misc. No.1928/2022.

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, similarly situated co-accused persons have already been granted bail as well as anticipatory bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Sitamarhi in connection with Belsand P.S. Case No. 36/2021, 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 without appropriate permission, 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)

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