

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31521 of 2021

Arising Out of PS. Case No.-9 Year-2020 Thana- GOPALPUR District- Bhagalpur

1. Dilkhush Kumar Son of Prakash Sharma
2. Vijay Kumar Son of Prakash Sharma
3. Bibha Kumari Daughter of Prakash Sharma all Resident of Village - Bhawanipur, P.S.- Rangra (Gopalpur), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-01-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State through the virtual court proceeding.

Learned counsel for the petitioners undertake to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 304(B), 201, 120(B)/34 of the Indian Penal Code.

Prosecution case in short is that the sister of the informant was subjected to torture, due to non-fulfillment of demand of dowry by her in-laws and, thereafter, on the alleged



date of occurrence, she was killed by the petitioners and other accused persons and the dead body was concealed.

It is submitted by learned counsel for the petitioners that petitioners are innocent and have been falsely implicated in this case. He submits that petitioner nos. 1 and 2 are brother-in-law and petitioner no. 3 is sister-in-law of the deceased. He submits that similarly situated co-accused have already been granted bail by this Court vide order dated 20.01.2022 passed in Cr. Misc. No. 31143 of 2021. It is submitted that the husband of the deceased has already surrendered before the learned court below. He submits that there is general and omnibus allegation levelled against the petitioners. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the



learned court below where the case is pending/successor court in connection with Gopalpur (Rangra) P.S. Case No. 09 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the verification by the learned court below that the husband of the petitioner is in judicial custody.

It is made clear that if it is found that the husband of the deceased is not in judicial custody, in that case, petitioner will surrender before the learned court below and pray for regular bail.

(Anjani Kumar Sharan, J)

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