

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24924 of 2022

Arising Out of PS. Case No.-606 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Jyot Narayan Bhagat @ Jot Narayan Bhagat, Son of Satyadeo Bhagat
Resident of Village- Dhekaha, Mahuawawa Tola, Police Station- Muffasil,
District - East Champaran.
 2. Sarsawati Devi Wife of Jyot Narayan Bhagat @ Jot Narayan Bhagat
Resident of Village- Dhekaha, Mahuawawa Tola, Police Station- Muffasil,
District - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 27-09-2022 Learned counsel for the petitioners is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of four weeks from today.

Heard Mr. Anil Kumar, learned counsel for the

petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody

in connection with Sessions Trial No.328 of 2022, arising out of

Muffasil Motihari P.S. Case No 606 of 2021, registered for the

offences punishable under Section 304(B)/34 of the Indian

Penal Code and Section 27 of the Arms Act.

The prosecution case is based on a written report filed



by the informant alleging therein, that the marriage of the daughter of the informant was solemnized with the petitioner on 26.05.2021. Soon after the marriage, the co-accused persons including the petitioner started demanding a Bullet motorcycle and huge amount of dowry and on account of non-fulfillment of the same, the deceased was subjected to torture. On 18.11.2021, the informant came to know that the accused persons shot dead his daughter.

Learned counsel appearing on behalf of the petitioners submitted that the petitioners are father-in-law and mother-in-law of the deceased and no specific allegation has been levelled against them, however, during the course of investigation, it has come that on account of some altercation between husband and wife, the incidence has taken place and, thereafter, with the help of the petitioners, the deceased was taken to Sadar Hospital for treatment, but unfortunately, she has died in course of treatment. He further submitted that the petitioners are old father-in-law and mother-in-law and they are in custody on account of misdeed of their son, who is also in judicial custody. He also submitted that even in the confessional statement of the husband of the deceased, he has not made any statement with regard to involvement of the petitioners.



On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the deceased was shot dead by her husband in the house of the petitioner and, as such, their complicity cannot be ruled out as the incidence has taken place within six months of the marriage.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are father-in-law and mother-in-law and specific allegation has been levelled against the husband of the deceased, who is in judicial custody and, moreover, the petitioners, having fair antecedent, are in custody since 19.11.2021, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge- 20th, East Champaran at Motihari in connection with Sessions Trial No.328 of 2022, arising out of Muffasil Motihari P.S. Case No 606 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date



of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or
intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates
without any cogent reason, their bail bonds will liable to be
cancelled.

(Harish Kumar, J)

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