

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23827 of 2022

Arising Out of PS. Case No.-142 Year-2019 Thana- DHANARUA District- Patna

1. Raj Ballav Prasad @ Raj Ballam Singh Son of Late Chalitar Singh Village - Makdumpur, P.S.- Dhanarua, District - Patna.
2. Upendra Kumar @ Upendra Prasad Son of Raj Ballav Prasad @ Raj Ballam Singh Village - Makdumpur, P.S.- Dhanarua, District - Patna.
3. Dharmvir Prasad @ Dharmvir Kumar Son of Village - Makdumpur, P.S.- Dhanarua, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Advocate.
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-08-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Abhay Kumar, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Dhanarua P. S. Case No. 142 of 2019 giving rise to Sessions Trial No. 31 of 2021 registered for the offences punishable under Sections 304 (B) read with 34 of the



Indian Penal Code.

As per the prosecution case, it is alleged that the marriage of the sister of the informant was solemnized four years ago with co-accused Naveen Prasad. It is further alleged that just after the marriage the sister of the informant was subjected to torture for demand of dowry and on 07.04.2019 the informant received an information that all the accused persons killed his sister and fled away.

Learned counsel appearing on behalf of the petitioners submitted that there is general and omnibus allegation against all the accused persons including the petitioners. It is further submitted that the petitioner no. 1 happens to be father-in-law whereas the petitioner nos. 2 and 3 are brother-in-law. It is next submitted that the Police after investigation has not found the case true under section 304(B) of the Indian Penal Code rather the charge sheet has been submitted under Sections 302, 201/34 of the Indian Penal Code against the petitioners and thereafter, the case has been committed and charges have also been framed. It is further submitted that the husband of the deceased, namely, Naveen Prasad has already been granted bail by this Hon'ble Court in Cr. Misc. No. 47304 of 2021 vide order dated 22.03.2022 with a



condition to be released on bail after framing of the charges so that the trial may not hamper. It is next submitted that the petitioners are men of fair antecedent and petitioner no. 1 is in custody since 31.07.2021 and Petitioner nos. 2 and 3 are in custody since 16.08.2021.

On the other hand, learned APP for the State opposes the bail application and submits that there is allegation against all the family members that they have committed torture upon the deceased, which resulted into her death.

Having considered the submissions made on behalf of the parties and taking into account the general and omnibus nature of allegation, apart from the fact that the husband of the deceased has already been granted bail by this Hon'ble Court and moreover, the charges have already been framed, 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 Additional District Judge, Masaurhi in connection with Dhanarua P. S. Case No. 142 of 2019 giving rise to Sessions Trial No. 31 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-



- (i) The petitioners 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)

shakir/-

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

