

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34045 of 2021

Arising Out of PS. Case No.-234 Year-2019 Thana- SAHPUR District- Bhojpur

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1. KRISHNA NAND TIWARY SON OF LATE SHIV PARSAN TIWARY
Resident of Village - Babhangawan, P.S.- Krishnagarh (Barahara), Distt.- Bhojpur.
 2. Jhalaka Devi @ Jhalako Devi W/o Krishna Nand Tiwary, Resident of
Village - Babhangawan, P.S.- Krishnagarh (Barahara), Distt.- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Vishwanath Ojha Son of Mahabir Ojha Resident of Village - Sahjauli, P.S.-
Shahpur, Distt.- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Prasad Gupta, Adv.
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-06-2022 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offence under Sections 498(A) of the Indian Penal Code and Section 3 of the Dowry Prohibition Act.

The daughter of the informant is subjected to assault and torture on account of non-fulfillment of demand of dowry.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent,



are innocent and have falsely been implicated in this case. He further submits that the petitioners happen to be father-in-law and mother-in-law of the victim-daughter of the informant and they have not assaulted or demanded any dowry from the victim in any manner. He further submits that there general and omnibus allegation against the petitioner and no specific allegation of assault is attributed to them. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Shahpur P.S. Case No. 234 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

(1) Petitioners shall co-operate in the investigation



and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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