

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35682 of 2022

Arising Out of PS. Case No.-367 Year-2019 Thana- MAJHAULIA District- West Champaran

1. DASHRATH SHARMA Son of Late Indrashan Sharma Resident of Village - Basara Bhedihari, P.S.- Majhauria, District - West Champaran.
2. Munni Devi Wife of Dashrath Sharma Resident of Village - Basara Bhedihari, P.S.- Majhauria, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-09-2022 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 Majhauria P.S. Case No. 367 of 2019 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

As per prosecution case, the petitioners and other committed the murder of informant's daughter due to non-fulfillment of demand of dowry.

Learned counsel for the petitioners submits that petitioners are in custody since 29.03.2022 and bear no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner no. 1 is father -in-law whereas petitioner no. 2 is mother-in-law of deceased. The informant is not eye witness to the occurrence. He also submits that there is no specific allegation against the petitioners rather the same is general and omnibus in nature. Petitioners are living separately with their son and daughter-in-law prior to alleged occurrence and they have no concern with the affairs of the conjugal life of deceased at all. He further submits that petitioners never demanded the dowry nor tortured the informant's daughter. Co-accused, Ramji Sharma being the husband of informant's daughter(deceased) has already been granted bail vide Cr. Misc. No. 13607 of 2020 by co-ordinate bench of this Court.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, arguments advanced on behalf of both sides and also



taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Majhaulia P.S. Case No. 367 of 2019 , 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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