

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41730 of 2022

Arising Out of PS. Case No.-88 Year-2019 Thana- PIYAR District- Muzaffarpur

1. Md Shubhan @ Nathuni Miya, S/o Kurban Miya Resident of Village-Govindpur Chhapara, P.S.- Pair, District- Muzaffarpur.
2. Hamida Khatoon W/o Md. Shubhan @ Nathuni Miya Resident of Village-Govindpur Chhapara, P.S.- Pair, District- Muzaffarpur.
3. Md. Jibrail S/o Md. Subhan @ Nathuni Miya Resident of Village-Govindpur Chhapara, P.S.- Pair, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 17-10-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Hari Kishore Thakur, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Piar P.S. Case No. 88 of 2019 registered for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code.



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 son of the petitioner nos 1 and 2, five years ago and from their wedlock three children were born. It is further alleged that soon after the marriage a demand of motorcycle was made by the accused persons and on account of non fulfillment of the same, the deceased was subjected to torture. It is next alleged that the informant came to know that all the accused persons have done to death the daughter of the informant.

It is submitted that petitioner nos 1 and 2 are father-in-law and mother-in-law whereas petitioner no 3 is brother-in-law of the deceased.

Learned counsel appearing on behalf of the petitioners submits that a general and ominous allegation has been leveled against all the FIR named accused persons, including the petitioners. It is also submitted that in fact all the petitioners were living separately from the husband of the deceased and as such they were under impression that the police after proper investigation will submit final report, showing them innocent, however, in the meantime, the husband of the deceased was apprehended and sent up for trial which ultimately ended into



acquittal vide order dated 17.06.2022 in Sessions Trial No. 568 of 2022. He next submits that in course of trial none of the witnesses have supported the prosecution case, due to which the trial in connection with the husband resulted into his acquittal. He lastly submits that the petitioners are in custody since 23.05.2022 and they are giving undertaking that they will fully co-operate in the trial till its conclusion.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submission made on behalf of the parties and considering the general and ominous nature of allegation apart from the fact that the husband of the deceased was sent up for trial which ultimately resulted into his acquittal on account of the fact that none of the witnesses have supported the prosecution case, let the petitioners, named above, 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 Judicial Magistrate 1st Class, Muzaffarpur in connection with Piar P.S. Case No. 88 of 2019, 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 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.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners has concealed thier criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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