

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42149 of 2022

Arising Out of PS. Case No.-29 Year-2021 Thana- INDUSTRIAL District- Bhagalpur

1. Bidya Nand Vidyarthi Son of Bishundeo Thakur Resident of Village - Latipur, P.s.- Bihpur, Distt.- Bhagalpur.
2. Bishundeo Thakur Son of Late Prayag Thakur Resident of Village - Latipur, P.s.- Bihpur, Distt.- Bhagalpur.
3. Savita Kumari W/o Bidya Nand Vidyarthi Resident of Village - Latipur, P.s.- Bihpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abdul Wadood, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-11-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 498(A), 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

As per prosecution case, in brief, is that the informant's husband and her in-laws started demanding Rs. 2 lacs cash and two bigha land from her as a dowry and non-fulfillment thereof the accused persons tortured her physically and mentally in



various manner.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that in fact petitioner no. 1 is brother-in-law, petitioner no. 2 is father-in-law and petitioner no. 3 is sister-in-law of the informant. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that after investigation police has submitted chargesheet against the petitioners under Sections 341, 323, 498(A), 34 of the Indian Penal Code and Section 34 of the Dowry Prohibition Act. He further submits that after filing of the chargesheet the learned Court below issued summons against these petitioners and hence there is real apprehension of arrest.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Court below where the case is pending in connection



with Industrial Area P.S. Case No. 29 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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