

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42896 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- KHAIRA District- Saran

1. Birendra Singh @ Virendra Mahto Son of Late Raghubir Prasad @ Chandrika Mahto Resident of Village - Arwa Kothi, P.s.- Khaira Nagra (OP), Distt.- Saran.
2. Ramawati Devi @ Lalmuni Devi W/o Birendra Singh @ Virendra Mahto Resident of Village - Arwa Kothi, P.s.- Khaira Nagra (OP), Distt.- Saran.
3. Sunil Kumar Son of Birendra Singh @ Virendra Mahto Resident of Village - Arwa Kothi, P.s.- Khaira Nagra (OP), Distt.- Saran.
4. Priti Devi @ Priti Kumari W/o Saroj Kumar Resident of Village - Arwa Kothi, P.s.- Khaira Nagra (OP), Distt.- Saran.
5. Rangeela Kumar Son of Birender Singh @ Virendra Mahto Resident of Village - Arwa Kothi, P.s.- Khaira Nagra (OP), Distt.- Saran.
6. Madhu Kumari @ Madhuri Kumari D/o Birendra Singh @ Virendra Mahto Resident of Village - Arwa Kothi, P.s.- Khaira Nagra (OP), Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashikant, Advocate
For the Opposite Party/s : Mr. Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

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

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 304(B), 120(B) and 34 of the Indian Penal Code.



According to prosecution case, after the marriage of informant's daughter, the accused persons started demanding dowry and torturing her in various ways. On 14.09.2021, the accused persons killed the daughter of the informant and threw the dead body in the river.

Learned counsel for the petitioners submits that the petitioner have clean antecedent and they have falsely been implicated in the present case. He further submits that petitioner No. 1 is father-in-law, petitioner No. 2 is mother-in-law, petitioner Nos. 3 and 5 are brothers-in-law and petitioner Nos. 4 and 6 are sisters-in-law of the deceased. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons. He further submits that in fact, the deceased was pregnant and she was referred to higher Center for needful treatment and thereafter, she was treated in Sadar Hosptial, Chapra on 14.09.2021 where she died during the treatment. He further submits that the deceased was cremated on 15.09.2021 in the presence of family members of the informant and family members of the husband of the deceased. He further submits that the death certificate issued by the Registrar, Death and Birth, Sadar Hosptial, Chapra in which it has been mentioned that the place of death is Sadar Hosptial,



Chapra. He further submits that the present complaint case petition has been filed after delay of about 30 days without any given explanation of filing the present complaint case.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Khaira (Nagra O.P.) P.S. Case No. 43 of 2022, 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 bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, 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 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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