

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44747 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- KESARIA District- East Champaran

1. Mantu Kumar Yadav @ Mantu @ Amresh Kumar Yadav S/O Ramnath Rai Resident of village- Lala Chhapra, P.S.- Kesariya, District- East Champaran.
2. Pintukumar Yadav @ Pintu Kumar @ Brijesh Kumar Yadav S/O Ramnath Rai Resident of village- Lala Chhapra, P.S.- Kesariya, District- East Champaran.
3. Ramnath Rai S/O Late Ramashish Rai Resident of village- Lala Chhapra, P.S.- Kesariya, District- East Champaran.
4. Meena Devi W/O Ramnath Rai Resident of village- Lala Chhapra, P.S.- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-12-2022 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 304B, 34 of the Indian Penal Code.

Allegation against the petitioners is of committing torture and caused death of the victim due to non-fulfillment of demand of dowry.



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 it appears from the F.I.R. that there is general and omnibus allegations against the petitioners and there is no specific allegation of overt act or assault or demand of dowry against the petitioners. He further submits that the petitioner nos. 1 and 2 are brothers-in-law of the deceased, petitioner no. 3 is father-in-law and petitioner no. 4 is mother-in-law of the deceased respectively and they have living separately from the husband of the deceased and have no concern at all with the family affairs of the deceased. He further submits that in fact the deceased has committed suicide.

Learned APP for the State has opposed the prayer for bail of the petitioner but fairly submits that no cogent material has come during investigation against the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of his 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 Kesariya P.S. Case No. 33 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 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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