

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45249 of 2022

Arising Out of PS. Case No.-315 Year-2020 Thana- KHAGARIA District- Khagaria

1. BUCHIYA DEVI W/o Kamleshwari Singh @ Kamo Singh Resident of Village - Bhadas South, P.S.- Muffasil, Distt.- Khagaria.
2. Shree Ram Singh Son of Kamleshwari Singh @ Kamo Singh Resident of Village - Bhadas South, P.S.- Muffasil, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Kishor Poddar

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-12-2022 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 Khagaria (Muffasil) P.S. Case No. 315 of 2020 registered for the offences punishable under Sections 304(B), 120(B), 34 of the Indian Penal Code.

As per prosecution case, petitioners and others are alleged to have concertedly committed the murder of informant's daughter for non fulfillment of demand of dowry.

Learned counsel for the petitioners submits that



petitioners are in custody since 08.05.2022. Petitioners bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioners submits that petitioner no.1 Buchiya Devi is mother-in-law of the deceased and petitioner no. 2 Shree Ram Singh is brother-in-law (dewar) of the deceased and both have been falsely implicated in the present case as they are separate in mess and business. The allegation against the petitioners is general and omnibus in nature. There is no specific overt-act attributed against them. On similar allegation, co-accused Kamleshwari Singh @ Kamo Singh has already been granted bail vide Cr. Misc. No. 38851 of 2021 by co-ordinate bench of this court.

The learned A.P.P. for the State vehemently 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 petitioner, both petitioners are separate in mess and business, co-accused person has already been granted bail by co-ordinate bench of this court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument 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 C.J.M., Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 315 of 2020, 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)

alok/-

U		T	
---	--	---	--

