

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56848 of 2021

Arising Out of PS. Case No.-103 Year-2020 Thana- RAGHUNATHPUR District- Siwan

1. Vikram Sah Gond @ Vikram Sah, Son of Late Naresh Sah Resident of Village - Lagusa, P.S. Raghunathpur, District - Siwan.
2. Nirmala Devi Wife of Vikrama Sah Gond @ Vikram Sah, Resident of Village - Lagusa, P.S. Raghunathpur, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 18-05-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Rabindra Prasad Singh learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail, who is in custody in connection with Raghunathpur P.S. Case No. 103 of 2020, G.R. No. 2617 of 2020 (S.Tr. No. 205 of 2020) for the offences punishable under Sections 304 (B)/34 of the Indian Penal Code.

As per the prosecution case it is alleged that the marriage of the daughter of the informant was solemnized with the son of the present petitioners four years ago. It is alleged that due to non-fulfillment of demand of dowry the daughter of the



informant was tortured by her husband and his family members since the date of marriage. On 06.07.2020 the informant received an information that her daughter has been done to death thereupon she came to her sasural where she found the dead body of her daughter lying in a room and all the accused family members were found absconded.

It is submitted on behalf of the learned counsel for the petitioners that earlier the prayer for bail of the petitioners have already been rejected vide order dated 25.02.2021 passed in Cr. Misc. No. 34793 of 2020 on merits, However, it is submitted that both the petitioners are father-in-law and mother-in-law of the deceased and are in custody for about two years.

On the last occasion this Court has called for the present stage of trial.

Having gone through the report, it appears that the case is pending for the evidence of the prosecution witnesses. There are five prosecution witnesses named in the charge sheet and the process of summons and bailable warrant, and execution report for the production of the witnesses has been complied by the trial court. But the prosecution side has not produced a single witness in the court till date. Though the charges against the accused persons namely Vikram Sah and Nirmala Devi,



facing the trial have already been framed on 22.02.2021.

On the other hand the learned APP for the State opposes the bail application and submits that this is a case of dowry death wherein the body of the deceased has been found in the house of the petitioners and their involvement cannot be ruled out. It is further submitted that the husband of the deceased is still absconding.

Having considered the submissions made by the parties and taking into consideration the fact that petitioners are old father-in-law and mother-in-law and further the prosecution side has not produced a single witness in the court as yet and both the petitioners are in custody since 07.07.2020, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of ADJ-V, Siwan, in connection with Raghunathpur P.S. Case No. 103 of 2020 (S.Tr. No. 205 of 2020) with the following conditions:

(a) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of their absence on two consecutive dates without any cogent reason, their bail bonds shall be



cancelled by the Court below.

(b) 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.

(Harish Kumar, J)

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