

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50161 of 2022

Arising Out of PS. Case No.-54 Year-2020 Thana- MAHILA P.S. District- Nalanda

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1. Ajay Singh @ Ajay Yadav S/O Basudev Singh Resident of village- Alawalpur, P.O. and P.S.- Gaurichak, District- Patna
 2. Kosami Devi @ Kusum Devi W/O Ajay Singh @ Ajay Yadav Resident of village- Alawalpur, P.O. and P.S.- Gaurichak, District- Patna

... .. petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi W/O Sonu Lal Yadav And D/O Ramashish Yadav Presently residing at Village- Barada P.S.- Nursarai, District- Nalanda.

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Ravi Shanker Pankaj, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-12-2022 Heard learned counsel for the petitioners and
learned A.P.P. 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 498A, 323, 341, 504, 506 and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

According to the prosecution case, all the accused persons including the petitioners assaulted and tortured the



informant due to non-fulfillment of demand of dowry.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against these petitioners and there is no specific allegation of any overt act or assault against these petitioners. He further submits that the petitioner No. 1 is the father-in-law and petitioner No. 2 is the mother-in-law of the informant.

The learned counsel for the State 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 Mahila P.S. Case No. 54 of 2020, 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 his 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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