

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51986 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- BALIYA District- Begusarai

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1. Sarveshwar Kumar Sharma @ Sharveshwer Kumar Sharma S/O Late Yogendra Sharma Resident of Sdabalpur, Babhantoli, P.S.- Sonapur, District- Saran.
 2. Smt. Sudha Devi W/O Sarveshwar Kumar Sharma @ Sharveshwer Kumar Sharma Resident of Sdabalpur, Babhantoli, P.S.- Sonapur, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nidhi Kumari W/O Rupesh Kumar, D/O Pramod Kumar Resident of Rahatpur, P.S.- Balia, District- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithish Kumar Lal, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-12-2022 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 420, 498(A), 307 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act.

According to the prosecution case, both the petitioners ordered their son to kill the informant due to non-fulfillment of demand of dowry.



Learned counsel for the petitioners submits that the petitioners 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 the petitioners. He further submits that the petitioner No. 1 is father-in-law and petitioner No. 2 is mother-in-law of the informant. He further submits that in fact, the husband of the informant is in custody. He further submits that the petitioners have no concern at all with the family affairs of the informant.

The learned counsel for the informant has vehemently opposed the prayer for bail of the petitioners on the ground that the petitioners have two more cases other than the present one and therefore, they are not entitled to anticipatory bail.

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 Ballia (Balua) P.S. Case No. 46 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 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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