

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52697 of 2022

Arising Out of PS. Case No.-142 Year-2022 Thana- PIPRAKOTHI District- East Champaran

1. GANESH PRASAD SON OF LATE DASAI BHAGAT RESIDENT OF VILLAGE- CHAKARDHE, P.S.- PIPRAKOTHI, DISTRICT-EAST CHAMPARAN
2. RAMANI DEVI WIFE OF GANESH PRASAD RESIDENT OF VILLAGE- CHAKARDHE, P.S.- PIPRAKOTHI, DISTRICT-EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2022 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 Piprakothi P.S. Case No. 142 of 2022 registered for the offences punishable under Sections 304B, 120B, 34 of the Indian Penal Code.

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

Learned counsel for the petitioners submits that



petitioners are in custody since 15.05.2022. Petitioners bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner no. 1 is father-in-law and petitioner no. 2 is mother-in-law of the deceased and they have been falsely implicated in this case as they happen to be the relative of husband of deceased. They are living separately from her husband in mess and they have no concern with the family affairs of the deceased and her husband. There is no specific overt-act attributed against the petitioners and allegations are general and omnibus in nature.

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, petitioner no. 1 is father-in-law and petitioner no. 2 is mother-in-law of the deceased and they have no say in the family affairs of the deceased and husband, 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., Motihari, East Champaran in connection with Piprakothi P.S. Case No. 142 of 2022, 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)

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