

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53738 of 2022

Arising Out of PS. Case No.-341 Year-2022 Thana- SHEKHPURA District- Sheikhpura

1. BACHU DEVI @ BACHO DEVI Wife of Damodar Chaudhari Resident of Village - Bihta, P.S.- Sheikhpura, District - Sheikhpura.
2. Damodar Chaudhari Son of Late Bhattu Chaudhari Resident of Village - Bihta, P.S.- Sheikhpura, District - Sheikhpura.
3. Ashok Chaudhari Son of Damodar Chaudhari Resident of Village - Bihta, P.S.- Sheikhpura, District - Sheikhpura.
4. Mangli Devi @ Sangita Devi Wife of Ashok Chaudhari Resident of Village - Bihta, P.S.- Sheikhpura, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 29-11-2022 It appears from the order dated 19.10.2022, this application with respect to petitioner No.2 stood dismissed as having been infructuous. Accordingly, the name of petitioner No.2 be deleted from the array of the parties.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offence under Sections 498(A), 302, 504/34 of the Indian Penal Code.

The daughter of the informant is subjected to assault and torture and finally done to death on account of non-



fulfillment of demand of dowry made by the petitioners.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. In fact, the petitioner No.1, 3 and 4 happens to be mother-in-law, brother-in-law and sister-in-law of the deceased. He further submits that as a matter of the deceased herself has committed suicide. These petitioners have never demanded any dowry nor they have assaulted the deceased in any manner. There is general and omnibus allegation against the petitioner and no specific allegation of any overt act is attributed to them. He further submits that postmortem report does not corroborate with the allegation as levelled in the F.I.R. against the petitioners. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioner Nos. 1, 3 and 4 in the event of arrest of surrender before the court below within a period of four weeks from the date of 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 learned Court below where the case is pending in connection with Sheikhpura (Hathiwawa O.P.) P.S. Case No. 341 of 2022, subject to the



conditions laid down under Section 438(2) of the Cr.P.C. as also with the 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 canceled by the Court below.

(2) 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.

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 their 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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