

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58341 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- VIJAYEPUR District- Gopalganj

1. Gyaneshwar Lal Srivastava @ Gyaneshwar Prasad Srivastava Son of Late Mewa Lal Srivastava Resident of House No. 36 B, Indra Nagar, P.S- Ramgarh Tal, Dist- Gorakhpur, (Uttar Pradesh)
2. Madhuri Srivastava @ Madhuri W/o Gyaneshwar Lal Srivastava @ Gyaneshwar Prasad Srivastava Resident of House No. 36 B, Indra Nagar, P.S- Ramgarh Tal, Dist- Gorakhpur, (Uttar Pradesh)
3. Abhishek Kumar Srivastava @ Monu @ Sonu Son of Gyaneshwar Lal Srivastava @ Gyaneshwar Prasad Srivastava Resident of House No. 36 B, Indra Nagar, P.S- Ramgarh Tal, Dist- Gorakhpur, (Uttar Pradesh)
4. Namrata Srivastava W/o Abhishek Kumar Srivastava Resident of House No. 36 B, Indra Nagar, P.S- Ramgarh Tal, Dist- Gorakhpur, (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 49(Ka)(A), 304(B), 120(B), 201 of the Indian Penal Code.

Allegation is that the accused persons caused death of the daughter of the informant due to non-fulfillment of demand of dowry.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely



implicated in the present case. He further submits that the date of occurrence as alleged in the F.I.R. is 28.09.2021 but the present case has been filed on 03.12.2021 after delay of two months and five days without giving explanation of delay. He further submits that in fact the deceased was suffering from chronic disease before the marriage and her treatment was going on and during course of treatment she died in Lucknow. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and only to harass the family members of the petitioners the present case has been instituted by the family member of the deceased and in fact the petitioner no. 1 is father-in-law, petitioner no. 2 is mother-in-law, petitioner no. 3 is brother-in-law and petitioner no. 4 is sister-in-law of the deceased and they have no concern at all with the family affairs of the deceased.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, 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/- (Rupees 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 Vijaypur @ Vijayeeपुर P.S. Case No. 26 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 their criminal antecedents, 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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