

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68311 of 2021

Arising Out of PS. Case No.-230 Year-2020 Thana- MADHUBAN District- East Champaran

1. WASIR ANSARI @ SHABIR ANSARI Son of Late Rahman Miya Resident of Village - Jitaura, P.S.- Madhuban, Distt.- East Champaran.
2. Fulaini Khatoon W/o Wasir Ansari @ Shabir Ansari Resident of Village - Jitaura, P.S.- Madhuban, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioners seek bail in a case registered for the offence under Sections 498A, 304B and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The daughter of the informant is subjected to torture and assault on non-fulfillment of demand of dowry and finally she has been done to death 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 petitioners happen to be father-in-law and mother-in-law of the deceased and they have never demanded any dowry nor they have assaulted the deceased in any manner. There is general and omnibus allegation against the petitioners and no specific allegation of any overt act is attributed to them. Moreover, the petitioners have been living separately from the deceased and his son. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 21.08.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioners 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 Madhuban P.S. Case No. 230 of 2020 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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