

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2729 of 2023

Arising Out of PS. Case No.-238 Year-2022 Thana- ROSERA District- Samastipur

1. JIVACHH DAS @ JIVACH DAS S/o Bachu Das @ Bacchu Das
2. SUNITA DEVI W/o Jivachh Das
3. SUSHIL KUMAR @ SUSHIL DAS S/o Jivachh Das
All R/v- Sahiar Burj, P.S.- Rosera, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uma Shankar Singh, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioners and the
learned APP for the State

The petitioners apprehend their arrest in connection with Rosera P.S. Case No.238 of 2022 instituted under Sections 304(B)/34 of the Indian Penal Code lodged on 19.07.2022 by the informant Bhola Das.

As per the prosecution story, the informant has married his daughter in the year 2019 with Sunil Das and the accused persons were demanding Rs.2 lakhs as dowry and due to non-fulfillment of demand they have hanged his daughter in the night. Accordingly, the FIR.

It has been submitted by the learned counsel for the petitioners that they are innocent and only because being family



member have been implicated in this case. The last submission is that during the pendency of the petition the husband Sunil Kumar @ Sunil Das has surrendered on 30.01.2023, a copy of which has been provided.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the aforesaid fact as also that the three petitioners are father-in-law, mother-in-law and brother-in-law (Devar), none of them are having criminal antecedent, husband is in jail, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Rosera P.S. Case No.238 of 2022 to the satisfaction of learned A.C.J.M., Rosera, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;



(ii) the petitioners will make himself available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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