

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15921 of 2023**

Arising Out of PS. Case No.-237 Year-2021 Thana- DEEPNAGAR District- Nalanda

1. MAHENDRA CHAUDHARY, Son of Late Babulal Chaudhary, Resident of Mohalla - Deepnagar, P.S.- Deepnagar, District - Nalanda
2. Sonu Kumar, Son of Mahendra Chaudhary, Resident of Mohalla - Deepnagar, P.S.- Deepnagar, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioners : Mr. Pankaj Kumar, Advocate  
For the State : Mr. Pranav Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      24-05-2023                      Heard learned counsel for the petitioners and learned  
APP for the State of Bihar.

The petitioners are apprehending their arrest in connection with Deepnagar P.S. Case No. 237 of 2021 instituted for offence under Sections 304B, 201 and 34 of Indian Penal Code.

The prosecution case alleges that the informant's daughter was married to one *Munna Chaudhary*. Petitioner No. 1 and Petitioner No. 2 are father and brother of the said *Munna Chaudhary*, respectively. As per allegation, the informant's daughter had run away from her matrimonial home on 15.07.2021 and her dead body was recovered on 17.07.2021, in



the river whereafter application has been given to the Police.  
The husband of the victim is already in jail.

Learned counsel for the petitioners submits that from the FIR itself, it is evident that the case has been lodged merely on suspicion and there is no specific allegation against the instant petitioners, who have been implicated only by virtue of their relationship. Informant is also not an eyewitness. Petitioners also have no antecedents. Others similarly situated co-accused persons namely *Sangita Devi* and *Soni Kumari* have been allowed anticipatory bail in *Cr. Misc. No. 34605 of 2022*.

Learned APP for the State has opposed the prayer for bail. It is submitted that petitioners are named accused family members of the husband of the deceased.

Considering the rival submissions, the fact that husband of the deceased is in custody, claim based on parity and nature of general and omnibus allegation, as also clean antecedent, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Petitioners' prayer for anticipatory bail is allowed.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, 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 the learned C.J.M., Nalanda at Bihar Sharif, in connection with Deepnagar P.S. Case No. 237 of 2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

shashank/-

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