

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33998 of 2023

Arising Out of PS. Case No.-267 Year-2022 Thana- BHAWANIPUR District- Purnia

1. MUKTI MEHTA @ MUKESH MEHTA s/o Kare Mehta r/o Supouli Mehta Tola, Ward No. 3, P.S. Bhawanipur, District Purnia
2. Geeta Devi w/o Mukti Mehta r/o Supouli Mehta Tola, Ward No. 13, P.S. Bhawanipur, District Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 30-08-2023 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners, who are in custody since 24.01.2023 seek bail in connection with Bhawanipur P.S. Case No.267/2022 dated 23.10.2022 registered for the offences punishable under Sections 304B, 120B, 201/34 of the I.P.C.

3. According to prosecution case, the petitioners along with other co-accused are alleged to have committed murder of the deceased due to non-fulfillment of the demand of dowry and disposed of the dead body.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been



implicated in the present case. The petitioners are father-in-law and mother-in-law of the deceased. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that the husband of the deceased is in judicial custody since 09.02.2023. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 24.01.2023.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, 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., Purnea in connection with Bhawanipur P.S. Case No.267/2022, subject to the following conditions:-

1. Learned trial court is directed to verify the genuineness that whether the husband of the deceased namely Nand Kishore Mehta is in judicial custody since 09.02.2023 and if it is found that the husband of the deceased is not in judicial



custody, the bail bond of the petitioners should not be accepted.

2. 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 cancelled by the Court below.

3. 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.

4. 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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