

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33735 of 2023

Arising Out of PS. Case No.-95 Year-2022 Thana- TEYAR District- Bhojpur

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ARUN KUMAR SINGH Son of Ashok Kumar Singh Resident of village -
Aami Ka Tola, P.S. - Tiar, Distt. - Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 45311 of 2023

Arising Out of PS. Case No.-95 Year-2022 Thana- TEYAR District- Bhojpur

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ASHOK KUMAR SINGH S/O LATE RAM JANAM SINGH R/O Village-
Aami Ka Tola, P.S- Tiyaar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 33735 of 2023)

For the Petitioner/s : Mr.Anant Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 45311 of 2023)

For the Petitioner/s : Mr.Anant Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Tiyaar P.S.
Case No. 95 of 2022 registered for the offence under Sections
304(B), 328/34 of the Indian Penal Code.

The daughter of the informant is subjected to assault
and torture on account of non-fulfillment of demand of dowry by



the petitioner and others and she has finally been done to death for want of dowry.

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. 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. He further submits that petitioner, namely, Arun Kumar, happens to be husband of the deceased and petitioner, namely, Ashok Kumar Singh stated to be father-in-law of the deceased. He further submits that according to the F.I.R., the petitioners have given poison to the victim but the postmortem report as well as Viscera report (FSL) does not support the allegation as alleged in the F.I.R. He further submits that in fact the deceased died due to heart attack and the doctor has found only one ante-mortem injury on the person of the deceased. The petitioners are rotting in judicial custody since 24.08.2022 and 05.05.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioners.

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 Chief



Judicial Magistrate, Bhojpur at Ara in connection with Tiyar P.S.

Case No. 95 of 2022 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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