

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35938 of 2023

Arising Out of PS. Case No.-81 Year-2021 Thana- AKBARNAGAR District- Bhagalpur

1. GOPI SINGH SON OF LATE AMBIKA SINGH RESIDENT OF VILLAGE- ENGLISH CHICHROUN, PS- AKBARNAGAR, DISTT- BHAGALPUR
2. SUMIT KUMAR SON OF GOPI SINGH RESIDENT OF VILLAGE- ENGLISH CHICHROUN, PS- AKBARNAGAR, DISTT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Shweta, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners are accuseds in connection with S.T. No. 189 of 2022 arising out of Akbarnagar P.S. Case No. 81 of 2021 registered for the offences under sections 304B, 201 and 34 of the Indian Penal Code lodged on 30.06.2021 by the informant, Sunny Kumar.

The prosecution story, in brief, is that on 30.06.2021 one Sunny Kumar filed application before the S.H.O. of Akbarnagar Police Station in which he has alleged that the marriage of his sister, Khusbu Devi was solemnized with Supal Singh in the year 2017, but after some time the accused started



to demand dowry and due to non- fulfillment of the same she was tortured. The informant further alleged that on 27.06.2021 he learnt from the newspaper that his sister has been killed upon which the informant started to search his sister on Railway Station as well as other place but could not success and lastly went to matrimonial home of his sister at English Chichoron but no one was present there and learnt that the accused Amit Kumar, Sumit Kumar as well as father in law and mother in law by making conspiracy committed murder of his sister and concealed her dead body. The informant further alleged that one week ago his sister has come at sister and Manjhali along with Amit Kumar and Sumit Kumar and demanded Rs. 1 lakh if wants to alive your sister. Accordingly, the FIR.

Mrs. Shweta who represent the petitioners submit that contrary to the FIR, actually the deceased lady was in relationship with the younger son of the petitioner no. 1 and Amit Kumar and when his marriage was fixed, she committed suicide.

It is her further submission that so far as the petitioner nos. 1 and 2 are concerned, they had nothing to do either with the couple and/or the said Amit Kumar and have been implicated only because they belong to family.



Learned APP for the State, on the other hand, opposes the prayer for bail stating that as per the allegation, they disappeared the dead body of the victim lady.

Considering the submissions put forward by the learned Counsel for the petitioner as also the fact that they are in custody since 07.01.2022 and 13.01.2022 (as per the order of the learned Session Judge), the mother-in-law has already been granted bail vide Cr. Misc. No. 48758 of 2022, this Court is also inclined to grant them the same relief.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Additional District and Sessions Judge-16, Bhagalpur in connection with S.T. No. 189 of 2022 arising out of Akbarnagar P.S. Case No. 81 of 2021, subject to the following conditions:-

(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 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;



(iii) 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 their bail bonds;

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

With the aforesaid observations, the bail application is allowed.

Before parting, the Court would like to put on record its word of appreciation for Mrs. Shweta, learned counsel for the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

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