

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40905 of 2023

Arising Out of PS. Case No.-321 Year-2022 Thana- MEHSI District- East Champaran

1. Sushma Suman, Wife Of Awadhesh Thakur, Resident Of Village Sursabad Tola Badaharawa, P.S- Mehsi, District- East Champaran
2. Awadhesh Thakur Son Of Late Ramvilash Thakur, Resident Of Village Sursabad Tola Badaharawa, P.S- Mehsi, District- East Champaran

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Hemant Ray, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Mehsi P.S. Case No.- 321 of 2022 registered for the offences punishable under Section 302, 201, 120B of the Indian Penal Code. They have got no criminal antecedent.

3. Learned counsel for the petitioners submits that the allegation against the petitioners and others are of murder of the informant's sister and disappearing her dead body due to non-fulfillment of dowry demand of Rs. 5,00,000/-.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this



case. It is submitted that the petitioners are living separately from the family of the deceased in mess and business and they have been made accused because they are the kith and kin of the husband of the deceased.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein the petitioner no. 1 is said to be the wife of the elder brother of the husband of the deceased and the petitioner no. 2 is the brother of the husband of the deceased and they claim that they are living separately from the family of the deceased in mess and business and they have been made accused because they are the kith and kin of the husband of the deceased, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named shall be enlarged on bail in connection with Mehsi P.S. Case No.- 321 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Learned Chief Judicial Magistrate, Motihari, East Champaran. subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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