

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43193 of 2022

Arising Out of PS. Case No.-488 Year-2020 Thana- SUPAUL District- Supaul

1. MD. LALO @ MD. MUBARAK Son of Md. Mustuf Resident of Village - Sihe, Ward No.13, P.s.- and Distt.- Supaul.
2. Kulsum Khatoon @ Bibi Sahana Khatoon W/o Md. Mustuf Resident of Village - Sihe, Ward No.13, P.s.- and Distt.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 16-03-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 363, 364 and 34 of the Indian Penal Code.

The sister of the informant is subjected to assault and torture on account of non-fulfillment of demand of dowry and she has been eloped by the petitioner and his family members. It is suspected that the victim might have been killed by the accused persons.

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 petitioner No.1 happens to be younger brother-in-law and petitioner No.2 is mother-in-law of the victim. He further submits that they have no concern with the alleged occurrence and the internal affairs of the husband and the victim as they used to live separately from them. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioners and no specific allegation of assault or any overt act is attributed to them. Moreover, the husband of the victim has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 29.06.2022 passed in Cr. Misc. No. 4709 of 2021. The petitioners are rotting in judicial custody since 02.04.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Supaul P.S. Case No. 488 of 2020 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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