

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46982 of 2023

Arising Out of PS. Case No.-614 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Chhunni Khatoon W/O Md. Jainul R/O Village- Mubarakpur, Ward No. 5, P.S.- Muffasil, District- Begusarai
 2. Md. Lado @ Md. Hassan S/O Md. Jainul R/O Village- Mubarakpur, Ward No. 5, P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-09-2023 Heard Mr. Anshu Dhar Sharma, learned counsel for
the petitioners and learned APP for the State.

2. Petitioners seek bail, who are in custody since 07.05.2023, in connection with Muffasil P.S. Case No. 614 of 2022, F.I.R. dated 01.12.2022 registered for the offences punishable under Sections 341, 323, 337, 338, 307/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case, the named accused persons including the petitioners have tortured the informant for demand of dowry and they kicked her from the roof with an intention to kill her.

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



implicated in the present case merely on the ground that the petitioner no. 1 is mother-in-law and petitioner no. 2 is the Devar of the informant. 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 from perusal of the F.I.R. it appears that the date of occurrence as alleged in F.I.R. is 14.10.2022 but the present F.I.R. was instituted on 01.12.2022 after delay of more than one month without giving any explanation of delay. He further submits that there is no allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that co-accused persons namely Shabana Khatoon, Md. Laddan and Md. Jainul have been granted the privilege of anticipatory bail vide order dated 19.08.2023 passed in Cr. Misc. No. 47286 of 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 07.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, let the petitioners above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Muffasil P.S. Case No. 614 of 2022, subject to 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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