

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51580 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- CHANPATIA District- West Champaran

1. Bipat Ram Son Of Late Jagdeo Ram Resident Of Village- Musahari, Ps- Chanpatiya (SIRISIYA Op), Distt- West Champaran
2. Chanarkali Devi @ Chankali Devi Wife Of Bipat Ram Resident Of Village- Musahari, Ps- Chanpatiya (SIRISIYA Op), Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioners seeks bail who are in custody since 03.05.2023 in connection with Chanpatiya (Sirisiya O.P.) P.S. Case No. 13 of 2023, F.I.R. dated 04.01.2023 for the offences punishable under Sections 302, 304(B)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

4. According to prosecution case, all the accused persons including these petitioners have killed the daughter of



the informant due to non-fulfillment of demand of dowry.

5. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the petitioner no. 1 is the father-in-law of the deceased and petitioner no. 2 is the mother-in-law of the deceased. He further submits that from perusal of the F.I.R it appears that there is no specific allegation of assault or overt act attributed against the petitioners rather there is general and omnibus allegation against these petitioners. He further submits that the husband of the deceased, namely, Birendra Ram is in judicial custody since 09.03.2023. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 03.05.2023.

6. The learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners.

7. Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 the learned Chief Judicial Magistrate, Bettiah, District- West Champaran in connection with Chanpatiya (Sirisiya O.P.) P.S. Case No. 13 of



2023, subject to the following conditions:-

i. 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 cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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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