

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50663 of 2023

Arising Out of PS. Case No.-1 Year-2021 Thana- MAHISHI District- Saharsa

1. RAM SAGAR RAY Son of Late Kuldip Ray Resident of Village-Khora Battar, P.S.-Mahishi (Jalai OP), District-Saharsa.
2. NAVEEN RAY@ NAVIN RAY @ NAWAL KISHOR RAY Son of Ram Sagar Ray Resident of Village-Khora Battar, P.S.-Mahishi (Jalai OP), District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-08-2023 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 Mahishi (Jalai O.P.) P.S. Case No.1 of 2021 registered for the offences punishable under Sections 304B, 201 and 34 of the Indian Penal Code. The petitioners have got no criminal antecedent.

3. As per the prosecution story, the allegation against the petitioners is to cause death of the daughter of the informant along with other co-accused persons due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners submits that the



petitioner no.1 is the father-in-law and petitioner no.2 is the devar of the deceased against whom there are general and omnibus kind of allegations. Learned counsel submits that the husband of the deceased was arrested and has been granted privilege of regular bail by this Court after taking note of the fact that the dead body of the informant found in open field and on postmoretem no external injury was noticed negating any physical assault soon before the occurrence.

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

6. Having regard to the submission that the petitioner no.1 is the father-in-law and petitioner no.2 is the devar of the deceased against whom there are general and omnibus kind of allegations, the husband of the deceased was arrested and has been granted privilege of regular bail by this Court after taking note of the fact that the dead body of the informant found in open field and on postmoretem no external injury was noticed negating any physical assault soon before the occurrence, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the



like amount each to the satisfaction of learned S.D.J.M., Saharasa in connection with Mahishi (Jalai O.P.) P.S. Case No. 1 of 2021, 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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