

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53445 of 2023**

Arising Out of PS. Case No.-261 Year-2023 Thana- KRITYANAND NAGAR District-  
Purnia

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1. Arjun Sharma Son of Lucho Sharma Resident of village - Parna Rahika, ward no. 5, P.s. - K. Nagar (Champanagar), Distt. - Purnea
  2. Umda Devi @ Dropati Devi Wife of Lucho Sharma Resident of village - Parna Rahika, ward no. 5, P.s. - K. Nagar (Champanagar), Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate  
For the Opposite Party/s : Mr. Ajit Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      23-08-2023                      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 04.05.2023 in connection with K. Nagar (Champanagar) P.S. Case No. 261 of 2023, F.I.R. dated 03.05.2023 for the offences punishable under Sections 304B/34 of the Indian Penal Code.

4. According to prosecution case, all the accused persons including the 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 from perusal of the F.I.R it appears that there is no specific allegation of assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners that they have demanded dowry from the family members of the deceased. He further submits that the husband of the deceased is already in judicial custody. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 04.05.2023.

6. The learned Additional Public Prosecutor has 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, Purnea in connection with K. Nagar (Champanagar) P.S. Case No. 261 of 2023, subject to the following conditions:-

i. Learned Trial Court is directed to verify the genuineness of the fact that whether the husband of the deceased



who is also the son of petitioner no. 2, is in judicial custody or not and if it is found that he is not in judicial custody then the bail bond of the petitioners shall not be accepted.

ii. 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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