

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50768 of 2023

Arising Out of PS. Case No.-424 Year-2022 Thana- SANGRAMPUR District- East
Champaran

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1. Jagdish Rai @ Jagdish Yadav Son Of Late Raghuni Yadav
 2. Shanti Devi Wife Of Jagdish Rai @ Jagdish Yadav
 3. Kanhaiya Yadav @ Kanhaiya Rai Son Of Late Sinhasan Rai and son in law of Jagdish Rai @ Jagdish Yadav
 4. Manisha Kumari Wife Of Kanhaiya Yadav @ Kanhaiya Rai and daughter of jagdish Rai @ Jagdish Yadav
 5. Munna Kumar @ Munna Yadav Son Of Kanhhaiya Yadav @ Kanhaiya Rai.
All are Resident Of Village- Maharani Pandohi, Ps- Mohammadpur, Dist- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-10-2023 Vide order dated 17.08.2023, the anticipatory bail petition with respect to petitioner No.5 has already been dismissed as withdrawn.

2. Heard Mr.Arun Kumar, learned counsel appearing for petitioner Nos. 1 to 4 and Mr.Brajendra Nath Pandey, learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Sangrampur P.S.Case No.424 of 2022, FIR dated 16.12.2022 registered for the offences punishable under



Sections 304(B),120(B) and 201 of the Indian Penal Code.

4. Allegation against the petitioners is that they alongwith other co-accused persons have in furtherance of their common intention committed the dowry death of the daughter of the informant.

5. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the complaint petition/FIR is false and fabricated and the petitioners have not committed any offence as alleged in the complaint petition/FIR. Further submits that from a bare perusal of the complaint petition/FIR it appears that the date of occurrence as alleged in the complaint petition/FIR is 09.11.2020 but the present complaint petition/FIR has been filed on 02.12.2020 after delay of about 25 days without giving any explanation of delay. Further submits that the complainant/informant is father of the deceased and in fact he has participated in the cremation of the deceased and thereafter afterthought he has filed the present false and fabricated complaint petition/FIR against the family members of the petitioners including the husband of the deceased. Learned counsel for the petitioners submits that in fact the husband of the deceased was also one of the petitioners



in the present anticipatory bail petition but during pendency of the same he has surrendered before the learned court below and now he is in judicial custody and it appears from the complaint petition/FIR that there is no specific 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.

6. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Sangrampur P.S. Case No.424 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 bonds shall be cancelled by the Court below.

(II) 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.

(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 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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