

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58176 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- GOPALPUR District- West Champaran

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1. Dhanai Das Son Of Harinarayan Das
2. Chandrawati Devi Wife Of Dhanai Das
3. Nagina Das Son Of Dhanai Das

All are Resident Of Village - Chhota Gulariya, P.S. - Gopalpur, District -
West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Gopalpur P.S. Case No.34 of 2023, F.I.R. dated
16.03.2023 registered for the offence punishable under Sections
302, 304B/34 of the Indian Penal Code.

3. The prosecution case, in short, is that informant's
daughter was married with Raj Kumar. After few days of



marriage accused persons started making cruelty with his daughter due to demand of dowry as Rs.50,000/- and on 14.03.2023 his daughter has been killed by all the accused persons through strangulation. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and have falsely been implicated in the present case merely on the ground that the petitioners are in-laws of the deceased. 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. and during the course of investigation his name has been transpired in this case on the basis of the confessional statement of husband, namely, Raj Kumar Das in which he has confessed his guilt and categorically stated that he has committed the murder of his wife and is in custody since 18.03.2023. Further submits that petitioner no.1 is father-in-law, petitioner no.2 is mother-in-law and petitioner no.3 is brother-in-law of the deceased.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners.

6. 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 anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, West Champaran in connection with Gopalpur P.S. Case No.34 of 2023, 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 their anticipatory 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 anticipatory 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)

Prakash Narayan

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