

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53610 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- BHAWANIPUR District- Purnia

1. Santosh Bhagat Son Of Suresh Bhagat Resident Of Village - Shaheedganj, Santhali Tola, P.S. - Bhawanipur, District - Purnia
2. Usha Devi Wife Of Santosh Bhagat Resident Of Village - Shaheedganj, Santhali Tola, P.S. - Bhawanipur, District - Purnia

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 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 where petitioner, namely, Santosh Bhagat is in custody since 23.04.2023 and petitioner, namely, Usha Devi is in custody since 09.06.2023, in connection with Bhawanipur P.S. Case No. 98 of 2023, F.I.R. dated 22.04.2023 for the offences punishable under Sections 498A, 304B/34 of the Indian Penal Code.

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 merely on the ground that the petitioner no. 1 is father-in-law and petitioner no. 2 is mother-in-law of the deceased. He further submits that it appears from the F.I.R that there is no specific allegation of assault or overt act attributed against these petitioners rather there is general and omnibus allegation against these petitioners. He further submits that the husband of the deceased is in judicial custody. The petitioner, namely, Santosh Bhagat is in custody since 23.04.2023 and petitioner, namely, Usha Devi is in custody since 09.06.2023.

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) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Purnea in connection with Bahwanipur P.S. Case No. 98 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



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.

iii. 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.

iv. 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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