

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55552 of 2023

Arising Out of PS. Case No.-297 Year-2022 Thana- KUDHNI District- Muzaffarpur

1. Kalawati Devi Wife Of Bachche Lal Mandal
2. Sunita Devi Wife Of Kongresh Mandal @ Kangresh Kumar
3. Lalita Devi @ Sima Kumari Daughter Of Bachche Lal Mandal
4. Kongresh Mandal @ Kangresh Kumar Son Of Bachche Lal Mandal.
All Resident Of Village-Bakarpur, P.S.-Kudhani, District-Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-11-2023 Heard Mrs.Vaishnavi Singh, learned counsel for the

petitioners and Mr.Dashrath Mehta, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kudhani (Turki O.P.) P.S.Case No.297 of 2022, FIR dated 20.06.2022 registered for the offences punishable under Sections 498(A),363,365,34 of the Indian Penal Code and Section 3/4 of the D.P.Act and the police after investigation submitted chargesheet under Sections 304(B), 201, 120(B,34 of the Indian Penal Code.

3. Allegation against the petitioners and other co-accused persons is of committing torture upon the victim due to



non-fulfillment of demand of dowry. Later on killed the daughter of the informant.

4. 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 they are the family members of the daughter of the informant. Further submits that from a bare perusal of the FIR it appears 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 and petitioners are the mother-in-law, sister-in-law (Gotani), sister-in-law (Nanad) and brother-in-law of the daughter of the informant and they have no concern at all with the alleged occurrence and they are residing separately from the family members of the deceased and the husband of the deceased, namely, Kamal Mandal, who is in judicial custody since 31.10.2023.

5. Learned A.P.P. for the State, on the other hand, has 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 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, Muzaffarpur in connection with Kudhani (Turki O.P.) P.S. Case No.297 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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