

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55787 of 2023

Arising Out of PS. Case No.-44 Year-2023 Thana- BANGARA District- Samastipur

1. Md Alam S/O Md Nijam
2. Naveela Khatoon W/O Md. Alam
Both are R/O Mohalla/Vill- Shadipur, Ps. N.H, Bangra Dist. Samastipur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-11-2023 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 N.H. Bangra P.S. Case No.44 of 2023, F.I.R. dated 14.04.2023 registered for the offence punishable under Sections 304B/34 of the Indian Penal Code.

3. The prosecution case, in short, is that informant married his daughter seven month ago. Further alleged that due to non-fulfillment of rupees two lacs and house hold articles in dowry daughter of was subjected to cruelty and killed by the husband and all relatives and at 8 O'clock on 14.04.2023 after committing 'Marpit' and pressing neck. 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 they have inlaws of the deceased. Further submits that from perusal of the FIR it appears that there is no accusation of any assault or overt act is attributed against the petitioners, rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that the petitioners have no concern at all with their family affairs of the deceased and they have living separately from the family member of the deceased and son of the petitioners who is husband of the deceased who is in judicial custody since 14.04.2023.

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, Samastipur in connection with N.H. Bangra P.S. Case No.44 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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