

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60405 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- SIDHWALIYA District- Gopalganj

1. Dhanesh Ram @ Mahesh Kumar Son Of Motichand Ram
2. Motichand Ram Son Of Ambika Ram @ Amika Ram
Both are R/O Village- Bucheya, Emani Tola, P.S.- Sidhwaliya, District- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Nikesh, Advocate

For the Opposite Party/s : Mr.Binod Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 21-08-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since 24.05.2022 in connection with Sidhwaliya P.S.Case No.369 of 2021, F.I.R. dated 19.11.2021 registered for the offence punishable under Sections 304(B) and 201/34 of the Indian Penal Code.

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

4. Learned counsel appearing for the petitioners



submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. In fact the victim was become ill on 19.11.2021 and she admitted for her treatment at Primary Health Centre, Sidhwalia, Gopalganj and thereafter the Doctor has referred to Sadar Hospital, Gopalganj but on way to Gopalganj the daughter of the informant died and the petitioners had informed to the family members of the deceased and petitioner No.1 is brother-in-law and petitioner No.2 is father-in-law of the deceased and from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against both the petitioners and learned counsel for the petitioners, on instructions, submits that the husband of the deceased, namely, Nand Lal Ram is in judicial custody and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 24.05.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that without the postmortem report the petitioners and other co-accused persons have disposed of the dead body of the



deceased and there is sufficient material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence.

6. Considering the aforesaid fact, 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 learned C.J.M., Gopalganj in connection with Sidhwaliya P.S.Case No.369 of 2021, with the following conditions:-

(I) Before accepting the bail bond of the petitioners, the learned court below will verify the genuineness of the submission of learned counsel for the petitioners that whether the husband of the deceased, namely, Nand Lal Ram, is in judicial custody or not, if he is in judicial custody, then the bail bond of the petitioners shall be accepted, otherwise 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 tamper 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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