

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60642 of 2022

Arising Out of PS. Case No.-230 Year-2022 Thana- MUFFASIL District- Aurangabad

1. KRISHNA RAM Son of Late Ganesh Ram R/V- Bala Karma Maluki Bigha, P.S- Aurangabad Muffasil, Dist- Aurangabad (Bihar)
2. Sumitra Devi Wife of Krishna Ram R/V- Bala Karma Maluki Bigha, P.S- Aurangabad Muffasil, Dist- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Anita Kumari, APP
For the Informant	:	Mr. Leelawati Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. Petitioners seeks bail, who are in custody since 03.07.2022 in connection with Aurangabad Muffasil P.S. Case No. 230 of 2022, F.I.R. dated 02.07.2022 for the offences punishable under Section 304(B) of the Indian Penal Code.

3. According to prosecution case, the informant alleges that his daughter was married to one Biraj Ram and her in-laws were demanding for dowry and due to non-fulfillment of demand of dowry all the accused persons have killed the informant's daughter by chocking her neck.



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 petitioners are in laws of the deceased and from perusal of the FIR it appears that there is no specific allegation of any assault or overt act is attributed against the petitioners rather there is a general and omnibus allegation against all sixteen accused persons including these petitioners. He further submits that co-accused persons namely Anita Kumari and Sarita Devi against whom there is similar allegation have been granted bail vide order dated 16.12.2022 in Cr. Misc No. 56013 of 2022 and it is submitted on behalf of the petitioners that the husband of the deceased is also stated to be in judicial custody. He further submits that the police after investigation submitted the charge sheet against the petitioners and the petitioners are in judicial custody since 03.07.2022.

5. The learned counsel for the informant as well as learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and submit that the petitioners are in-laws and there is direct allegation against these petitioners that they have demanded the dowry from the family members of the deceased and before the



present occurrence a panchayati had also convened to settle the issue between the parties, but thereafter the present occurrence has taken place.

6. 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 Chief Judicial Magistrate, Aurangabad, in connection with Aurangabad Muffassil P.S. Case No. 230 of 2022, subject to the following conditions:-

1. 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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 has 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)

Adnan/-

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