

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59927 of 2023

Arising Out of PS. Case No.-384 Year-2022 Thana- WARISNAGAR District- Samastipur

1. RAM LALIT RAI Son of Late Tapeswar Rai @ Late Tapeswar Ray R/o vill - Munni Bainari, P.S. - Piyar, Distt. - Muzaffarpur
2. Anil Kumar Rai @ Anil Rai S/o Vinod Rai @ Vinod Ray R/o vill - Munni Bainari, P.S. - Piyar, Distt. - Muzaffarpur
3. Indrakala Devi W/o Mukesh Rai @ Mukesh Ray @ Mukesh Ram R/o vill - Munni Bainari, P.S. - Piyar, Distt. - Muzaffarpur
4. Mukesh Rai @ Mukesh Ram Son of Late Kailash Rai @ Late Kailash Ray @ Late Kailash Ram R/o vill - Munni Bainari, P.S. - Piyar, Distt. - Muzaffarpur
5. Kaushaliya Devi W/o Late Kailash Rai @ Late Kilash Ray @ Late Kailash Ram R/o vill - Munni Bainari, P.S. - Piyar, Distt. - Muzaffarpur
6. Mintu Kumar Son of Late Kailash Rai @ Kailash Ray @ Late Kailash Ram R/o vill - Munni Bainari, P.S. - Piyar, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Navin Kumar Son of Late Bhajan Rai R/o vill - Dhurlakha, P.S. - Warisnagar, Distt. - Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aprajita, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-10-2023 Heard Mr. Aprajita, learned counsel for the petitioners
and Mr. Rajesh Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Waris Nagar P.S. Case No. 384 of 2022, F.I.R. dated 01.12.2022 registered for the offences punishable under Section 498A, 304B of the Indian Penal Code and Section 3, 4 of the Dowry Prohibition Act.



3. Allegation against the petitioners is of demand of dowry and torture for the same.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R./Complaint petition is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R./complaint petition it appears that there is no accusation of any assault or overt act attributed against these petitioners rather there are general and omnibus allegation against all the accused persons including the petitioners and pursuant to the complaint petition which was filed in the year 2013 the present F.I.R. was instituted in the year 2022.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.F.C., Samastipur in connection with Waris Nagar P.S. Case No. 384 of 2022, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure and with other 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 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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