

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58381 of 2023

Arising Out of PS. Case No.-386 Year-2023 Thana- MAJHAULIA District- West Champaran

Nand Kishore Kha @ Nand Kishore Singh Son Of Late Jamuna Kha R/O
Village- Bishambhara Rulahi Ps Majhauriya Dist West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59987 of 2023

Arising Out of PS. Case No.-386 Year-2023 Thana- MAJHAULIA District- West Champaran

ARUN SINGH @ARUN KHA SON OF NAND KISHORE KHA @ NAND
KISHORE SINGH RESIDENT OF VILLAGE- BISHAMBRA RULAH, PS-
MAJHAULIYA, DIST -WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 58381 of 2023)

For the Petitioner/s : Ms.Vagisha Pragya Vacaknavi, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

(In CRIMINAL MISCELLANEOUS No. 59987 of 2023)

For the Petitioner/s : Ms.Vagisha Pragya Vacaknavi, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

2. Petitioners seek bail, who are in custody since
13.06.2023 and 16.05.2023 respectively in connection with
Majhauriya P.S. Case No. 386 of 2023, F.I.R. dated 16.05.2023
for the offences punishable under Sections 302/34 of the IPC.



3. According to prosecution case, the marriage of the deceased, namely, Nita Kumari who is sister of the informant was solemnized with the accused-Arun Singh in the year 2009. After marriage, the deceased was tortured by the accused persons for dowry demand as well as for being unable to give birth to a child. Several times the parties sat together for compromise but later on the behaviour of the accused persons remained the same. Further alleged that on 15.05.2023, the deceased and her husband boarded Saptkranti Train and came home from Delhi. After reaching home at about 02:30 PM the informant went to meet his sister and went back at about 04:00 PM. Until then there was no problem. In the evening at about 07:00 PM, the informant talked with his brother, Vinay Kumar telephonically and till then there was no problem. It is further alleged that about 10:13 PM in night, accused, Nand Kishore Kha informed the informant on his mobile that his sister had died. Then the informant and his brother at 11:30 PM in night went to Bishwambhara and saw that there was black color mark around the neck of his sister. It is further alleged that the informant seriously believed that the accused persons have killed the deceased by strangling her with rope. Accordingly, prayer was made to conduct postmortem of the dead body of the



deceased. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R and it appears from perusal of the F.I.R. that there is no specific allegation against these petitioners, rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners under Section 306 of the IPC, and the petitioner namely, Nand Kishore Khan @ Nand Kishore Singh is father-in-law of the deceased and Arun Singh @ Arun Khan is husband of the deceased. The petitioners are in custody since 13.06.2023 and 16.05.2023 respectively.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

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) with two sureties of the like amount each to the satisfaction of the learned



Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhualiya P.S. Case No. 386 of 2023, subject to the 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 bond 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 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)

Prakash Narayan

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