

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61657 of 2023**

Arising Out of PS. Case No.-229 Year-2023 Thana- BIKRAMGANJ District- Rohtas

1. Lalita Kunwar @ Latita Devi Wife Of Mahendra Choudhary Resident Of Village / Mohalla - Anand Nagar, Ward No.5, P.S. - Bikramganj, District - Patna
2. Riya Kumari @ Chhoti Daughter Of Mahendra Choudhary Resident Of Village / Mohalla - Anand Nagar, Ward No.5, P.S. - Bikramganj, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr. Y.C. Verma, Sr. Advocate |
|                          |   | Mr. Ashok Kumar, Advocate    |
| For the Opposite Party/s | : | Mr. Narsingh Tanti, APP      |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      21-09-2023                      Heard Mr. Y.C Verma, learned senior counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 03.05.2023 in connection with Bikramganj P.S. Case No. 229 of 2023, F.I.R. dated 02.05.2023 for the offences punishable under Sections 498(A), 304(B), 120(B)/34 of the Indian Penal Code and Section 3/4 of the D.P. Act.

3. According to prosecution case, all the accused persons including the petitioners have killed the daughter of the informant due to non-fulfillment of demand of dowry.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and he have falsely been implicated in the present case merely on the ground that the petitioner no. 1, namely, Lalita Kunwar @ Lalita Devi is mother-in-law and petitioner no. 2, namely, Riya Kumari @ Chhoti is sister-in-law of the deceased. He further submits that the informant is not the eye witness of the alleged occurrence and from the perusal of the F.I.R it appears that there is no direct and 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 postmortem report of the deceased suggest that the cause of death was due to hanging and there is no antemortem injury found on the person of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused, namely, Shailendra Kumar @ Sailendra Kumar @ Shailendra Choudhary who happens to be the brother of petitioner no. 1 has been granted bail by a co-ordinate Bench of their Court vide order dated 04.09.2023 passed in Cr. Misc. No. 59292 of 2023. The petitioners are in custody since 03.05.2023.

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 Additional Chief Judicial Magistrate 1<sup>st</sup> Bikramganj Rohtas at Sasaram in connection with Bikramganj P.S. Case No. 229 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 tampers 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)**

Vanisha/-

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