

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60354 of 2023**

Arising Out of PS. Case No.-355 Year-2023 Thana- MUFFASIL District-
West Champaran

- =====
1. LALBIHARI PATEL @ LAL BIHARI PATEL @ BIHARI RAUT S/O PRAHLAD PATEL @ PRAHLAD RAUT R/O VILLAGE- RAIDHURWA, PS.MANUAPUL O.P, DIST.WEST CHAMPARAN
 2. PRAHLAD PATEL @ PRAHLAD RAUT S/O LATE SHANKAR RAUT R/O VILLAGE- RAIDHURWA, PS.MANUAPUL O.P, DIST.WEST CHAMPARAN
 3. GODHANI DEVI W/O PRAHLAD PATEL @ PRAHLAD RAUT R/O VILLAGE- RAIDHURWA, PS.MANUAPUL O.P, DIST.WEST CHAMPARAN
 4. RINKU DEVI W/O LALBIHARI PATEL @ LAL BIHARI PATEL @ BIHARI RAUT R/O VILLAGE- RAIDHURWA, PS.MANUAPUL O.P, DIST.WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2023 Heard Mr Bimlesh Kumar Pandey, learned counsel

for the petitioners and Mr. Ashok Kumar Singh, learned A.P.P.

for the State.

Since the petitioner No.1 has been apprehended by
the police during pendency of this writ application and the
present petition has been withdrawn with respect to him,
the present order is being passed with respect to petitioner
Nos. 2, 3 and 4.

The petitioners apprehend their arrest in



connection with Bettiah Muffasil (Manuapul) P.S. Case No. 355 of 2023 registered for the offence under Sections 302, 201, 34 of the Indian Penal Code.

The daughter of the informant is subjected to assault and torture on account of non-fulfillment of demand of dowry by the petitioners and others and she has finally been done to death for want of dowry.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against the petitioners and no specific allegation of assault or any demand of dowry is attributed to them. He further submits that as a matter of fact the victim herself has committed suicide and the petitioners have not played any role in the alleged occurrence as they have got no concern with the internal affairs of the deceased and her husband. He further submits that the petitioner Nos.2, 3 and 4 happen to father-in-law, mother-in-law and sister-in-law of the deceased. He



further submits that the deceased, namely, Shyam Bihari Patel has already been taken in to custody on 08.06.2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, 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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Muffasil (Manuapul) P.S. Case No. 355 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) 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.

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 thier 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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