

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61976 of 2023

Arising Out of PS. Case No.-225 Year-2023 Thana- KOILWAR District- Bhojpur

1. Ganesh Chaudhari S/O Late Bechan Chaudhari R/O Village- Dhandhiya, Ps. Koilwar, Dist. Bhojpur
2. Phoola Devi W/O Ganesh Chaudhari R/O Village- Dhandhiya, Ps. Koilwar, Dist. Bhojpur

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s	:	Mr. Shiv Prasad Gupta, Advocate
For the Opposite Party/s	:	Mr. Md. Anbzarul Haque Sahara, APP
For the Informant	:	Ms. Aashi Wats, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2023 Learned counsel for the informant submits that she has filed the *Vakalatnama* today.

2. Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

3. Petitioners seek bail who are in custody since 21.04.2023 in connection with Koilwar P.S. Case No. 225 of 2023, F.I.R. dated 20.04.2023 for the offences punishable under Sections 304B, 34 of the Indian Penal Code.

4. 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.



5. 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 the petitioners are in-laws of the deceased. He further submits that from perusal of the F.I.R it appears that there is no accusation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that the husband of the deceased is already in judicial custody. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 21.04.2023.

6. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that there is allegation in the F.I.R against these petitioners but fairly submits that the husband of the deceased is in judicial custody.

7. 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, Bhojpur at Ara in connection with Koilwar P.S. Case No. 225 of 2023, subject to the following conditions:-

i. Learned Court below is directed to verify the genuineness of the fact that whether the husband of the deceased, namely, Vikash Chaudhary is in judicial custody or not and if he is not found in judicial custody, then the bail bond of the petitioners shall not be accepted by the learned Trial Court.

ii. 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.

iii. 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.

iv. 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)

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