

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61237 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- BAGENGOLA District- Buxar

1. Maya Devi Wife Of Mahesh Choudhary.
2. Mahesh Chaudhary Son Of Late Mahato Chaudhary @ Raghunandan Choudhary, Both Resident Of Village - Baruhan, P.S. - Bagengola, District - Buxar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shantam Shivam, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 25.02.2023 in connection with Bagengola P.S. Case No. 24 of 2023 , F.I.R. dated 24.02.2023 for the offences punishable under Sections 304(B), 201/34 of the IPC.

3. According to prosecution case, niece of the informant was killed by the accused persons on 24.02.2023, for demand of dowry and her dead body was cremated. 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 merely on the ground that the



petitioners are in-laws of the deceased (mother-in-law and father-in-law). He further submits that there is general and omnibus allegation made against the accused persons including petitioners, and it appears from the FIR itself that petitioners have informed the family members of the deceased, but before coming of the family members of the deceased the dead body of the deceased had been cremated. Further submits that the husband of the deceased is already been in custody since 26.04.2023 and the police after investigation submitted the charge sheet against the petitioners. The petitioner no.1 is in custody since 25.02.2023 and petitioner no.2 is in custody since 03.04.2023.

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, Ist, Buxar in connection with Bagengola P.S. Case No. 24 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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