

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60299 of 2022

Arising Out of PS. Case No.-130 Year-2022 Thana- RAJAOLI District- Nawada

1. Kapil Prasad S/O Late Pato Prasad @ Late Pato Mahto
 2. Siya Devi W/O Kapil Prasad
Both Resident of Village- Bhai Ji Bhita, P.S.- Rajauli, District- Nawada.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bharat Lal, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Rajauli P.S. Case No.130 of 2022 instituted under Sections 304B of the Indian Penal Code.

As per the prosecution story, the informant's daughter was married with Mantu Kumar four years prior according to Hindu custom rites and she gave Rs.2,45,000/- , ornaments, utensil etc. The accused persons including the petitioners used to torture for dowry and also used to commit marpit with her, lastly four accused committed her murder. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submit that they are father-in-law and mother-in-law, having no criminal



antecedent, the husband is in custody since 20.05.2022 (as stated in para-12 of the petition).

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the fact that the petitioners do not have criminal antecedent, is the father-in-law and mother-in-law and the husband is in custody, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Rajauli P.S. Case No.130 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Nawada, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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