

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 67203 of 2023

Arising Out of PS. Case No.-169 Year-2023 Thana- GHOSI District- Jehanabad

-
1. Sumitra Devi wife of Satyendra Mistri Village- Sharista Bad Ps- Ghosi Okari OP Dist- Jehanabad
 2. Satyendra Mistri son of Late Hira Mistri Village- Sharista Bad Ps- Ghosi Okari OP Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with Ghosi (Okari O.P.) P.S. Case No. 169 of 2023 dated 10.03.2023, lodged under Sections 304(B)/ 34 of the I.P.C. read with Section 3/4 of the D.P. Act.

3. As per the prosecution case, the F.I.R. has been lodged against three named accused persons including the petitioners. The allegation made in the F.I.R. by the informant is that the marriage of his daughter was solemnized with one Vikash Kumar and after marriage, the torture has been started from in-laws family of the deceased. It has been further alleged

that a compromise took place and on a particular date. On 14.02.2023, it has been informed that the daughter of the informant is burnt. It has been seen by the informant that the treatment of her daughter was going on. Subsequently, referred to the P.M.C.H. where daughter died and husband was under treatment.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that from the contents of the F.I.R., it is very much clear that the cause of death is burning, in which husband and wife both were injured. Counsel submits that the information with regard to burning has immediately communicated to the father of the victim. Counsel also submits that the antecedent of the petitioners are clean and they are in custody since 22.07.2023 and the petitioners are mother-in-law and father-in-law of the deceased.

5. Learned counsel for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that there is a specific allegation in the F.I.R. that the petitioners and their son used to torture the deceased for Rs.2,00,000/- and this burning was

caused at the instance of the petitioners, therefore, bail application ought to be rejected.

7. Upon specific query from the counsel for the petitioners that where is the husband of the deceased, counsel submits that the husband is in custody since 22.07.2023.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Jehanabad in connection with Ghosi (Okari O.P.) P.S. Case No. 169 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *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 his bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

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

(v) 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.

9. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

sadique/-

U		T	
---	--	---	--