

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67788 of 2022

Arising Out of PS. Case No.-173 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

1. Chamaru Bind S/O Late Bigau Bind R/O Village- Mohan Darwan, P.S- Sonhan, District- Kaimur at Bhabua
2. Krishnawati Devi W/O Chamaru Bind R/O Village- Mohan Darwan, P.S- Sonhan, District- Kaimur at Bhabua
3. Arbind Bind S/O Chamaru Bind R/O Village- Mohan Darwan, P.S- Sonhan, District- Kaimur at Bhabua
4. Baleshwar Bind S/O Chamaru Bind R/O Village- Mohan Darwan, P.S- Sonhan, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-03-2023 Heard learned counsel for the petitioners and learned
APP for the State.

In the present case, the petitioners seek bail in connection with Bhabua (Sonhan) P.S. Case No. 173 of 2022 bearing its Sessions Case No. 324 of 2022 registered for the alleged offences under Sections 304-B, 201 and 34 of the Indian Penal Code.

As per prosecution case, the daughter of the informant was married with one Hindlal Kumar, the son of the petitioner no. 1 and 2 and the brother of petitioner no. 3 and 4. Allegation against the petitioners is that they along with co-accused husband



of the daughter of the informant caused her dowry death on account of non-fulfillment of their demand of motorcycle and burnt the dead body.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case and petitioner no. 1 and 2 are parents-in-law of the deceased whereas the petitioner no. 3 and 4 are the brothers-in-law of the deceased. The deceased died due to illness and this fact is evident from the FIR that the informant was given the intimation about serious illness of the deceased by his son-in-law. The prosecution evidence has been recorded in this case and even the informant has not supported this case before the learned trial court. The husband of the deceased is already in custody and the petitioners have been suffering incarceration since 23.06.2022 without any cogent reason and the charge-sheet has been filed in the case. The petitioners have got no criminal history.

Learned APP opposes the prayer for bail submitting that death occurred within a year of the marriage and there is allegation of torture, cruelty and dowry demand and death occurred due to non-fulfillment of dowry demand.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the evidence of the informant recorded by the learned trial court and



further considering the nature of relationship of the petitioners with the deceased and also considering the clean-antecedent of the petitioners along with their period of custody and submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Additional Sessions Judge-XI, Kaimur at Bhabua in connection with Bhabua (Sonhan) P.S. Case No. 173 of 2022 bearing its Sessions Case No. 324 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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