

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67741 of 2022

Arising Out of PS. Case No.-63 Year-2020 Thana- KOTWA District- East Champaran

1. Manju Devi W/o Suresh Rai R/o Village- Maharani Bairiya Bhopat, P.S.- Kotwa, Distt- East Champaran.
2. Deepak Yadav @ Mintu Kumar S/o Suresh Rai R/o Village- Maharani Bairiya Bhopat, P.S.- Kotwa, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioners and learned counsel for the State.

This is the second attempt of the petitioners to seek anticipatory bail from this Court. It appears from the record that earlier prayer for anticipatory bail of the petitioners was rejected by a Coordinate Bench vide order dated 22.06.2021 passed in Cr. Misc. No. 35875 of 2020.

In this present case, the petitioners are apprehending their arrest in connection with Kotwa P.S. Case No. 63 of 2020, registered on 01.03.2020 for the offences under Sections 304(B) and 34 of the Indian Penal Code.

As per prosecution case, the allegation against the petitioners are quite serious and the allegation is that of causing



dowry death of the daughter of the informant and the petitioners are mother-in-law and brother-in-law of the deceased.

Learned counsel for the petitioners submits that the fresh ground for moving the present petition for anticipatory bail is that the husband and father-in-law of the deceased have been acquitted by the learned trial court. There is no specific allegation against these petitioners for doing any wrongful act and allegations are general and omnibus against the petitioners and the other co-accused persons who were acquitted by the learned trial court. There is nothing on record regarding any demand of dowry. Moreover, none of the witnesses has supported the prosecution case against the co-accused persons who were facing trial before the learned trial court.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering acquittal of the husband and father-in-law of the deceased by the learned trial court, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty five thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari/concerned court in



connection with Kotwa P.S. Case No. 63 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

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