

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71453 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- NOKHA District- Rohtas

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1. Kamlesh Sharma, (Aged about 46 years [Male]) S/O Late Talukrat Sharma
 2. Lalsa Devi, (Aged about 43 years [Female]) W/O Kamlesh Sharma
- Both (1 & 2) residents of Village- Tendua, P.S- Nokha, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Krishna, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-11-2023 Heard Mr. Gopal Krishna, learned counsel

 appearing on behalf of the petitioners and Mr. Arun Kumar

 Pandey, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Nokha P.S. Case No. 58 of 2022, G.R. No. 398 of 2022
registered for the offence punishable under Sections 304(b),
120(b), 201, 363 and 365 of the Indian Penal Code.

3. Prosecution story, in brief, is that for non-fulfilment
of dowry, family members of in-laws of the deceased had
committed murder and disposed of the dead-body of the
deceased, as well as, made disappear her two minor children.
Deceased is daughter of the informant.

4. Learned counsel appearing on behalf of the



petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. Petitioners are cousin father-in-law and cousin mother-in-law of the deceased. It has specifically been stated in paragraph no. 11 of the bail application that the petitioners reside in a separate dwelling house and is nowhere connected with the affairs of his brother and his son, who have also been made accused in the present case. Mother-in-law and sister-in-law of the deceased have already been released on bail by this Court vide order dated 15.05.2023 passed in Criminal Miscellaneous No. 23184 of 2023. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, petitioners are cousin father-in-law and cousin mother-in-law of the deceased as per the statement made in paragraph no. 6 of the bail application. It has specifically been stated in paragraph no. 11 of the bail application that the petitioners reside in a separate dwelling house and is nowhere connected with the affairs of his brother and his son, who have also been made accused in the present case. Mother-in-law and sister-in-



law of the deceased have already been released on bail by this Court vide order dated 15.05.2023 passed in Criminal Miscellaneous No. 23184 of 2023. Petitioners have clean antecedent. I am of the opinion that petitioners have, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Nokha P.S. Case No. 58 of 2022, G.R. No. 398 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. **The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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