

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75628 of 2023

Arising Out of PS. Case No.-374 Year-2022 Thana- BIKRAMGANJ District- Rohtas

1. NILAM DEVI wife of Baban Shama
2. Baban Sharma son of Shiv Poojan Mistri
Both Resident of Village- Ghosia Khurd Po- Ghusia Kalan Ps- Vikramganj
Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashikant, Advocate
For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr.Shashikant, learned counsel for the

petitioners and Mr.Satyendra Prasad, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Vikramganj P.S.Case No.374 of 2022,FIR dated
13.08.2022 registered for the offences punishable under
Sections 304(B), 201,120(B) of IPC.

3. Allegation against the petitioners is that they
alongwith other co-accused persons have in furtherance of their
common intention committed the dowry death of the daughter
of the informant.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that the petitioners are inlaws of the deceased. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and the husband of the deceased, namely, Bharat Sharma has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 28.06.2023 passed in Cr. Misc. No. 32141 of 2023 and from a bare perusal of the FIR it appears that there is no specific allegation against the petitioners.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bikramganj in connection with Vikramganj P.S.Case No.374 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and



with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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