

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68591 of 2022

Arising Out of PS. Case No.-126 Year-2022 Thana- CHAINPUR District- Kaimur (Bhabua)

1. RAMASHISH CHAUDHARY @ RAMASHISH MALLAH Son of Late Kedar Mallah Resident of Village - Idgahiya, P.S.- Chainpur, District - Kaimur at Bhabhua.
2. Somari Devi @ Mrachhi Devi Wife of Ramashish Chaudhari @ Ramashish Mallah Resident of Village - Idgahiya, P.S.- Chainpur, District - Kaimur at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-07-2023 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners seek bail, who are in custody since 06.08.2022, in connection with Chainpur P.S. Case No.126/2022 registered for the offences punishable under Sections 498(A), 302, 304(B), 328 and 34 of the I.P.C.

3. According to prosecution case, there is allegation against the petitioners that being the parents-in-law of the deceased used to assault the deceased for non-fulfillment of the demand of dowry due to which the deceased became ill and died in unusual manner.

4. Learned counsel for the petitioners submits that the



petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that the petitioners are parents-in-laws of the deceased. He further submits that the allegation as alleged in the F.I.R is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that from bare perusal of the F.I.R. it appears that there is general and omnibus allegation against all the accused persons including these petitioners and the allegation as alleged in the F.I.R. is not supported by the medical report as well as viscera report. He further submits that the police after investigation submitted the charge sheet against the petitioners and the petitioners are in custody since 06.08.2022.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, 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 the learned A.C.J.M.-II, Kaimur at Bhabhua in connection with Chainpur P.S. Case No.126/2022, subject to the



following conditions:-

1. 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 bond shall be cancelled by the Court below.

2. 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.

3. 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 antecedent, 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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