

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74873 of 2022

Arising Out of PS. Case No.-47 Year-2022 Thana- UPHARA District- Aurangabad

1. BASANT SAW Son of Late Kailash Saw R/v- Mahadipur, P.S.- Uphara, District- Aurangabad
2. MALTI DEVI Wife of Ravi Sao R/v- Mahadipur, P.S.- Uphara, District- Aurangabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Uphara P.S. Case No. 47/2022 registered for the offences punishable under Sections 304(B), 201/34 and 307 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that the marriage of the informant's younger daughter Amrita Kumari was solemnized in the year 2018 with the son of petitioner No. 1 Basant Saw as per Hindu rites and rituals. After marriage, all the accused persons started demanding dowry and used to beat the informant's daughter for non-fulfillment of the



same. The informant tried to compromise the matter on several occasions. It is further alleged that on 13.06.2022 the villagers informed the informant that his daughter has been killed.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Petitioner no. 1 is the father-in-law and petitioner no. 2 is the gotni of the deceased. Learned counsel submits that the petitioners are separate from the husband of the informant's daughter in mess and business in the year 2021.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, considering that the petitioner no. 1 is the father-in-law and petitioner no. 2 is Gotni of the deceased, the submission is that they are living separately in mess and business and there is no specific allegation of either any demand or of any torture against any of the petitioners, further considering that the husband of the deceased is said to be in judicial custody, this Court directs that in the event of their arrest or surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the



like amount each to the satisfaction of learned S.D.J.M.,
Daudnagar, district – Aurangabad in connection with Uphara
P.S. Case No. 47/2022, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

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.

However, at the time of acceptance of bail bond of the
petitioners, learned court below shall verify the fact that the
husband of the deceased is in judicial custody as submitted
before this Court.

(Rajeev Ranjan Prasad, J.)

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