

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11737 of 2024

Arising Out of PS. Case No.-65 Year-2023 Thana- KARPURIGRAM District- Samastipur

1. NIKHIL KUMAR Son of Sri Chhotelal Ram Resident of Village-Rupnarainpur Bela, P.S.-Karpurigram, District-Samastipur.
2. ARTI KUMARI Daughter of Chhotelal Ram Resident of Village-Rupnarainpur Bela, P.S.-Karpurigram, District-Samastipur.
3. POOJA KUMARI Daughter of Chhotelal Ram Resident of Village-Rupnarainpur Bela, P.S.-Karpurigram, District-Samastipur.
4. SHITLI DEVI @ RAJO DEVI Wife of Chhotelal Ram Resident of Village-Rupnarainpur Bela, P.S.-Karpurigram, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Barj Kishore Sharma, Advocate

For the Opposite Party/s : Mr. Bharat Bhusan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-04-2024 Learned counsel for the petitioner submits that so far as the petitioner No.3, Akanksha (name changed) is concerned, she being minor he may be permitted to withdraw the petition to move before the Juvenile Justice Board for an appropriate order, the same is allowed so far the petitioner No.3, Akanksha (name changed) is concerned and the same is made infructuous.

2. Heard the parties.

3. The petitioner is apprehending his arrest in connection with Karpurigram P.S. Case No. 65 of 2023 for the offence under sections 304 of the Indian Penal Code lodged on



09.07.2023 by the informant, Anita Devi.

4. As per the prosecution story, the informant alleged that the deceased, Ranju Devi was married to Rakesh Ram in the year 2017 but always tortured for dowry and on 08.07.2023, she informed that she has been badly bitten. Later in the night, the informant came to know about her death. When they reach the house of the deceased, inform the police station and then the F.I.R.

5. It has been informed by the learned counsel for the petitioners that none of them are related to the deceased husband, their role was a solemnizing the marriage and have also been dragged.

6. In this case coordinate Bench had called for the case diary as also the post-mortem report which have since been received. This Court has gone through the post-mortem report and the doctor who conducted the post-mortem did not found any external injury from the person of the deceased.

7. Though, learned A.P.P., Mr. Bharat Bhushan opposes the prayer for bail, he has also gone through the post-mortem report except the fact that no injury has been found in the person of the deceased.

8. Petitioner Nos. 2 and 4 are ladies, petitioner No.1



Nikhil Kumar is concerned, considering the fact that he was only active in negotiation of the marriage, he has nor the family member. In the aforesaid facts, he is also entitled to the relief.

9. Taking into account the aforesaid facts that he do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

10. Let the petitioner nos. 1, 2 and 4 be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M.F.C.-cum-Additional Munsif, Samastipur in connection with Karpurigram P.S. Case No. 65 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner nos. 1, 2 and 4 who shall provide official document to show his/her bona fide;

(ii) the petitioner nos. 1, 2 and 4 shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner nos. 1, 2 and 4 shall in no way try



to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner nos. 1, 2 and 4 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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