

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9664 of 2024

Arising Out of PS. Case No.-854 Year-2023 Thana- CHAPRA TOWN District- Saran

Ashok Gupta @ Ashok Kumar Gupta Son of Late Hiralal Gupta @ Heeralal Gupta Resident of Village-Kathari Bagh Bajrang Colony, P.S.-Nagar Thana, Distt.-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 9857 of 2024

Arising Out of PS. Case No.-854 Year-2023 Thana- CHAPRA TOWN District- Saran

1. Durga Kumari D/O Ashok Gupta @ Ashok Kumar Gupta Resident Of Village-Kathari Bagh Bajrang Colony, P.S.-nagar Thana, District-Saran.
2. Tonu Gupta @ Ravi Gupta @ Ravi Kumar Gupta S/O Ashok Gupta @ Ashok Kumar Gupta Resident Of Village-Kathari Bagh Bajrang Colony, P.S.-nagar Thana, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 9664 of 2024)

For the Petitioner/s : Mr. Raushan Raj, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 9857 of 2024)

For the Petitioner/s : Mr. Raushan Raj, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr. Raushan Raj, learned counsel for the

petitioners in Cr. Misc. No. 9664 of 2024 as well as Cr. Misc.

No. 9857 of 2024, and Mr. Arun Kumar Singh in Cr. Misc. No.

9664 of 2024 and Ms. Pronoti Singh in Cr. Misc. No. 9857 of



2024, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Nagar Thana P.S. Case No. 854 of 2023, F.I.R. dated 15.11.2023 for the offences punishable under Sections 304B/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioners have killed the daughter of the informant due to non-fulfillment of demand of dowry.

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 they are the in-laws of the deceased where petitioner no. 1 is father-in-law, petitioner no. 2 is sister-in-law and petitioner no. 3 is brother-in-law. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation. He further submits that the informant is not the eye witness of the alleged occurrence and in fact, the victim has committed suicide herself and the petitioners have no concern at all with the alleged occurrence. He further submits that the husband of the deceased, namely, Amit Gupta is in judicial custody.



5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of 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 the learned Chief Judicial Magistrate, Saran at Chapra in connection with Nagar Thana P.S. Case No. 854 of 2023, 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 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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