

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7295 of 2024

Arising Out of PS. Case No.-23 Year-2023 Thana- MAHILA PS District- Gopalganj

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1. Pramod Kumar Giri @ Pramod Giri S/o Late Radhasaran Giri R/o Village- Dumariya, P.S.- Mohammadpur, Gopalganj At present residing at Vill - Birpur, P.S. - Birpur, Dist. - Supaul
 2. Bimla Giri @ Bimla Devi W/o Pramod Kumar Giri @ Pramod Giri R/o Village- Dumariya, P.S.- Mohammadpur, Gopalganj At present residing at Vill - Birpur, P.S. - Birpur, Dist. - Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Sujata W/o Aman Kumar R/o Village- Dumaria, P.S.- Mohammadpur, Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan, Advocate
For the Opposite Party/s	:	Md. Iftekhar Mahmood, APP
	:	Mr. Saurabh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr. Rajesh Ranjan, learned counsel for the petitioners, Mr. Saurabh Kumar, learned counsel for the informant and Md. Iftekhar Mahmood, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mahila P.S. Case No. 23 of 2023, F.I.R. dated 17.06.2023 for the offences punishable under Sections 341, 323, 498(A), 406, 504, 506 and 34 of the Indian Penal Code and Section $\frac{3}{4}$ of the Dowry Prohibition Act.

3. According to prosecution case, petitioners along



with other family members are said to have tortured and ousted the informant from her matrimonial house on non-fulfillment of the 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. He further submits that petitioner no.1 is brother-in-law and petitioner no.2 is sister-in-law of the informant. He further submits that from bare perusal of the FIR it appears that there is no specific allegation of demand of dowry or assault is attributed against the petitioners rather there is general and omnibus allegations attributed against all the accused persons including these petitioners. He further submits that petitioners have no concern about the family affairs of the informant as they are living separately from the family members of the husband of the informant.

5. The learned counsel for the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that there is specific allegation of demand of dowry is attributed against the petitioners and some amount of the dowry have been transferred in the account of the petitioner no.1.

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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Gopalganj in connection with Mahila P.S. Case No. 23 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 his absence on two consecutive dates without sufficient reason, his bail bond 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 antecedent, the court below shall take step for cancellation of bail bonds 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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