

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8301 of 2024

Arising Out of PS. Case No.-685 Year-2023 Thana- CHANPATIA District- West Champaran

1. Abhishek Kumar Chaubey @ Abhishek Chaubey, S/o Shailendra Chaubey
2. Neha Kumari @ Neha Devi, W/o Abhishek Kr. Chaubey @ Abhishek Chaubey.
Both are R/o Village- Lakhaura, P.S. Kumarbag (O.P.), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 23-02-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chanpatiya (Kumarbag O.P.) P.S. Case No. 685 of 2023 registered for the offences punishable under Sections 304 (B)/ 34 of the Indian Penal Code.

3. As per prosecution case, allegation against the petitioners is that they along with other co-accused persons due to non-fulfillment of demand of dowry have committed murder of the daughter of the informant.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this



case. Petitioners are the brother-in-law (*bhaisur*) and sister-in-law (*gotani*) of the deceased. There is general and omnibus allegation against the petitioners. It is submitted that in the presence of both the parties, after post-mortem, funeral was taken place. But later on, informant filed the present case with ulterior motive. The husband of the deceased has already surrendered in the court below and is in custody. Petitioners have no concern with the affairs of the victim and her husband. Petitioners have no criminal antecedent. They undertake to cooperate in the investigation and trial.

5. Learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners and submit that the petitioners were not present during funeral of the deceased, however, they are residing in the same house with other accused persons.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties and nature of general allegation against the petitioners, let the petitioners, above named, in the event of their 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/- (rupees ten thousand) each with two sureties of



the like amount each to the satisfaction of the concerned Court where the case is pending in connection with Chanpatiya (Kumarbag O.P.) P.S. Case No. 685 of 2023, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with further condition that they shall cooperate in the investigation and shall present themselves whenever required during investigation/trial.

(Sunil Dutta Mishra, J)

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