

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26201 of 2024

Arising Out of PS. Case No.-61 Year-2022 Thana- EKCHARI District- Bhagalpur

1. Balmiki Mandal Son Of Late Shiv Mandal, Resident Of Village- Khabaspur, PS- Rkvhsri, Distt- Bhagalpur.
2. Ashok Mandal Son Of Jageshwar Mandal, Resident Of Village- Khabaspur, PS- Rkvhsri, Distt- Bhagalpur.
3. Shiromani Devi Wife Of Late Shiv Mandal, Resident Of Village- Khabaspur, PS- Rkvhsri, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Sharma, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2024 Heard Mr. Chandra Shekhar Sharma, the learned counsel for the petitioners and Ms. Sangeeta Sharma, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Ekchari PS Case No. 61 of 2022, FIR dated 04.11.2022, registered for the offences punishable under Sections 498(A), 304(B), 323 and 201 read with Section 34 of the Indian Penal Code and later chargesheet was submitted under Section 341, 323, 308, 504 and 506 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the daughter of the



informant was regularly tortured by her in-laws over demand of dowry and they were not allowing her to come to her parental house. It is further alleged that informant received a call from her daughter's matrimonial home that her daughter's in-laws have murdered her daughter and upon informant's enquiry, they did not give any satisfactory answer.

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 petitioners are in-laws of the deceased. He further submits that upon perusal of the FIR it appears that there is no specific allegation of any assault or overt act or demand of dowry, rather there is general and omnibus allegation against all the accused persons including the petitioners and the husband of the deceased namely, Upendra Mandal is in judicial custody since 05.12.2023.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent, they have falsely been implicated in the present case merely because they



are in-laws of the deceased and there is no specific allegation of any assault or overt act or demand of dowry, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Judicial Magistrate-1st Class, Bhagalpur, where the case is pending in connection with **Ekchari PS Case No. 61 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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