

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14645 of 2024

Arising Out of PS. Case No.-671 Year-2021 Thana- GARKHA District- Saran

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1. Sonu Sah @ Sonu Kumar S/O- Bhikhar Sah R/O- Village- Salaha, P.S.- Garkha, Dist.- Saran.
 2. Dimpal Kumari D/O- Bhikhar Sah R/O- Village- Salaha, P.S.- Garkha, Dist.- Saran.

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha, Advocate
For the State	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-04-2024 Heard Mr. Sanjay Kumar Jha, learned counsel for the petitioners and Mr. Binod Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Garkha P.S. Case No. 671 of 2021, F.I.R. dated 30.09.2021 for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code and section 3/4 of the D.P. Act.

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

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 from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act or demand of dowry against these petitioners rather general and omnibus allegation against all the accused persons including the petitioners. He further submits that petitioner no.1 is brother-in-law and petitioner no.2 is sister-in-law of the deceased. He further submits that the husband of the deceased, namely, Akshay Sah has been granted regular bail by this Hon'ble Court vide order dated 07.04.2023 passed in Cr. Misc. No. 49063 of 2022.

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

6. Considering the aforesaid facts, the petitioners having clean antecedent and there is no specific allegation of any assault or overt act of demand of dowry against these petitioners, 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 Judicial Magistrate 1st Class, Saran at Chapra in



connection with Garkha P.S. Case No. 671 of 2021, 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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