

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17407 of 2024

Arising Out of PS. Case No.-500 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

1. Akhileshwar Chaubey S/o Late Parashnath Chaubey R/o Village- Khutwaniya Chaubey P.S.- Kuchaikote, Dist.- Gopalganj
2. Gobinda Devi W/o Akhileshwar Chaubey R/o Village- Khutwaniya Chaubey P.S.- Kuchaikote, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 08-05-2024 Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Kuchaikote P.S. Case No. 500 of 2023, registered on 01.10.2023 for the offences under Sections 304(B), 201 and 34 of the Indian Penal Code.

3. As per prosecution case, the petitioners who are father-in-law and mother-in-law of the deceased caused dowry death in connivance with other co-accused persons and made and dead body disappear.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners are old age persons and they

are innocent and have been falsely implicated in this case. They did not demand anything and the informant has made a completely concocted story. The daughter of the informant died suddenly and her husband informed the wife of the informant who came with her son and participated in cremation and after six days lodged this false case with some ulterior motive. Informant has not even disclosed that his wife and son attended the cremation. It appears that on instigation of the enemy of the family of the petitioners, the present F.I.R. has been lodged after delay of six days for blackmailing the petitioners and his family. Moreover, allegation is specific and categorical against the husband and not against these petitioners and other co-accused persons. Having realized their mistake the informant and the petitioners have filed a compromise petition before the learned trial court, a copy of which has been placed on record.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P. submits that this is a case of dowry death and the death occurred on 25.09.2023.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioners and further

considering the possibility of false accusation in the background of the facts and circumstances of the case, let the petitioners, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj/concerned court in connection with Kuchaikote P.S. Case No. 500 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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