

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16859 of 2024

Arising Out of PS. Case No.-728 Year-2023 Thana- SONEPUR District- Saran

1. Mukesh Choudhary Son Of Tarkeshwar Choudhary Resident Of Village-Fakrabad, Police Station-Sonpur, District-Saran.
2. Anil Choudhary Son Of Tarkeshwar Choudhary Resident Of Village-Fakrabad, Police Station-Sonpur, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Harish Kumar, learned counsel for the petitioners and Mr. Ajay Kumar No. 2, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sonpur P.S. Case No. 728 of 2023, F.I.R. dated 07.05.2023 for the offences punishable under Sections 498A, 304B and 34 of the Indian Penal Code.

3. According to prosecution case, the sister of the informant was found dead in the hospital and he suspects that all the F.I.R named accused persons have murdered his sister due to non-fulfillment of 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 it appears from the F.I.R that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that the petitioners are cousin brothers of the husband of the deceased and they have no concern at all with the family affairs of the deceased and they are living separate from the deceased and her family.

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

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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran in connection with Sonpur P.S. Case No. 728 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 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)

Vanisha/-

U		T	
---	--	---	--

