

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18478 of 2024

Arising Out of PS. Case No.-483 Year-2023 Thana- KARAHGAR District- Rohtas

Rajendra Prajapati Son of Ram Prasad Prajapati, Resident of Village -
Mohanpur Kharsan, P.S.- Kargahar, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 20590 of 2024

Arising Out of PS. Case No.-483 Year-2023 Thana- KARAHGAR District- Rohtas

1. Shrinivas Prajapati @ Sri Niwas Prajapati S/o Deepchand Prajapati, R/o vill
- Mohanpur Kharsan, P.s. - Kargahar, Distt. - Rohtas.
2. Meera Devi W/o Shrinivas Prajapati @ Sri Niwas Prajapati, R/o vill -
Mohanpur Kharsan, P.s. - Kargahar, Distt. - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 18478 of 2024)
For the Petitioner/s : Mr. Kuber Pathak, Advocate
For the Opposite Party/s : Mr. Kanhiya Kishor, APP
(In CRIMINAL MISCELLANEOUS No. 20590 of 2024)
For the Petitioner/s : Mr. Kuber Pathak, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 02-04-2024 Both the criminal miscellaneous petitions have arisen

out of the same police station case number, hence they are being

heard together and decided by a common order.
2. Heard Mr. Kuber Pathak, the learned counsel for the

petitioners and Mr. Kanhiya Kishor, the learned Additional Public



Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Kargahar PS Case No. 483 of 2023, FIR dated 16.12.2023, registered for the offence punishable under Section 304(B) read with Section 34 of the Indian Penal Code.

4. According to prosecution case, the informant received information that her daughter has been strangled to death by her in-laws. It is further alleged that the informant's daughter informed her on mobile that her in-laws are demanding more dowry.

5. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case merely on the ground that they are in-laws of the deceased. He further submits that upon perusal of the FIR, it appears that the informant is not the eye-witness of the alleged occurrence and merely on the basis of suspicion the petitioners have been made accused in the present case. He further submits that there is no specific allegation of assault or overt act or demand or dowry is attributed against the petitioners, rather there is general and omnibus allegations against all the accused persons including the petitioners. He lastly submits that the petitioner namely, Rajendra Prajapati is the cousin brother-in-law of the deceased, Shrinivas Prajapati @ Sri Niwas Prajapati is the father-in-law of the deceased and Meera Devi is the mother-



in-law of the deceased and the husband of the deceased namely, Akash Kumar is in judicial custody.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that in the **Cr. Misc. No. 18478 of 2024**, the petitioner namely, Rajendra Prajapati has one criminal antecedent other than the present one, however he fairly admits that the petitioner has been acquitted for the charges levelled against him. He further submits that in the **Cr. Misc. No. 20590 of 2024**, the petitioners have clean antecedent.

7. Considering the aforesaid facts and circumstances and the fact that petitioners are in-laws of the deceased and there is no specific allegation against them and the husband of the deceased is in judicial custody, 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 Additional Chief Judicial Magistrate-IV, Rohtas at Sasaram, where the case is pending in connection with **Kargahar PS Case No. 483 of 2023**, 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)

Shahnawaz/-

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

