

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19793 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- KALUAHI District- Madhubani

1. Kishore Kumar Singh @ Kishore Singh Son of Thakkan Singh Resident of vill.-Narar, Nav Toli, P.S.-Kaluahi, Distt.-Madhubani
2. Thakkan Singh Son of Jaldhari Singh Resident of vill.-Narar, Nav Toli, P.S.-Kaluahi, Distt.-Madhubani
3. Ram Kumari Devi Wife of Thakkan Singh Resident of vill.-Narar, Nav Toli, P.S.-Kaluahi, Distt.-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-07-2024 Heard Mr. Ravindra Singh, learned counsel for the petitioners and Mr. Ashok Kumar Singh, learned APP for the State.

2. The petitioners are apprehending their arrest connection with Kaluahi P.S. Case No. 167 of 2023, F.I.R. dated 08.08.2023 registered for the offences punishable under Sections 302, 304(B) and 120(B) of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Prosecution case, in brief, is that the marriage of informant's daughter namely Gunja Kumari was solemnized with Kaushal Kumar Singh in the year 2017 and lived in her



Sasural peacefully for 03-04 years. Further it has been alleged that husband and her in-laws started liquor business and when she raised objection they began to torture her. Panchayat was conducted and she and her husband started staying at Darbhanga. Her husband used to beat her at Darbhanga and informant received information that his daughter was murdered by her husband and his relatives and friends.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case merely on the ground that the petitioner no. 1 is brother-in-law, petitioner no. 2 is the father-in-law and petitioner no. 3 is the mother-in-law of the deceased. He further submits that from perusal of the F.I.R. it appears that the informant is not an eye witness of the alleged occurrence and merely on the basis of suspicion, the name of the petitioners have been implicated in the present case and apart from that it appears from the pleadings of the bail petition that the petitioners are living separately from the deceased's house and except the suspicion, no other material has come during investigation to suggest the involvement of the petitioners in the present occurrence.

5. Learned APP for the State has opposed the prayer



for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Madhubani in connection with Kaluahi P.S. Case No. 167 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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)

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