

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18661 of 2024

Arising Out of PS. Case No.-685 Year-2023 Thana- CHANPATIA District- West Champaran

1. Shailendra Chaubey S/o- Late Gopalji Chaubey, R/o- Village- Lakhaura, P.S.- Kumarbag (O.P.), Dist.- West Champaran.
2. Nilam Devi W/o- Shailendra Chaubey, R/o- Village- Lakhaura, P.S.- Kumarbag (O.P.), Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar, Advocate.
For the State	:	Mr. Arun Kumar Singh, APP.
For the Informant	:	Mr. Bimlesh Kumar Pandey, Advocate.
	:	Mr. Vikash Kumar Shukla, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 12-07-2024 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in connection with Chanpatiya (Kumarbag O.P.) P.S. Case No.685 of 2023 instituted under Sections 304(B)/34 of the Indian Penal Code.

3. As per the prosecution case, allegation against the petitioners is that they along with other co-accused persons due to non-fulfillment of demand of dowry have committed murder of the daughter of the informant.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case being the father-in-law and mother-in-law of the deceased



who have no concern with the affairs of the victim and her husband. He further submits that there is general and omnibus allegation against the petitioners. It is further stated that in the presence of both the parties, after post-mortem, funeral was taken place but later on, informant filed the present case with ulterior motive. Learned counsel submits that petitioners undertakes to cooperate with the Police in the investigation and has approached before the Investigating Officer. He further submits that petitioners have no criminal antecedent and the husband of deceased has already surrendered before the court below and is in custody. He also submits that similarly situated co-accused persons, namely, Abhishek Kumar Chaubey @ Abhishek Chaubey and Neha Kumari @ Neha Devi have been granted anticipatory bail by this Court vide order dated 23.02.2024 passed in Cr. Misc. No.8301 of 2024.

5. Learned counsel for the informant and learned A.P.P. for the State have opposes the prayer for anticipatory bail and submits that the petitioners have not cooperated with the investigation and accordingly, NBW and proceeding under Section 82 of Cr.P.C. have been initiated against the petitioners.

6. Learned counsel for the petitioners submits that petitioners have cooperated in the investigation and undertakes to cooperate in investigation and trial.



7. Having heard learned counsel for the parties, considering the undertaking of petitioners and similarly situated co-accused persons have been granted bail by this Court and also considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the learned C.J.M., Bettiah (West Champaran) in connection with Chanpatiya (Kumarbag O.P.) P.S. Case No.685 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and other following conditions:-

- (i) Petitioners shall not indulge to influence the witness and also not involve to tamper with the evidence; and
- (ii) Petitioners shall co-operate in the investigation and trial and shall be properly represented on each and every date fixed by the Court.

(Sunil Dutta Mishra, J)

Ritik/-

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

