

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20713 of 2024

Arising Out of PS. Case No.-854 Year-2023 Thana- MAJHAULIA District- West Champaran

1. Poonam Devi Wife Of Brijesh Mukhiya Resident Of Village- Garkari, Police Station- Laukariya, District- West Champaran
2. Brijesh Mukhiya Son Of Late Kishori Mukhiya Resident Of Village- Garkari, Police Station- Laukariya, District- West Champaran
3. Bedami Devi Wife Of Pundeo Mukhiya Resident Of Village- Dumari Mahanwa, Police Station- Majhauriya, District- West Champaran
4. Sanjay Mukhiya Son Of Pundeo Mukhiya Resident Of Village- Dumari Mahanwa, Police Station- Majhauriya, District- West Champaran
5. Vijay Mukhiya Son Of Pundeo Mukhiya Resident Of Village- Dumari Mahanwa, Police Station- Majhauriya, District- West Champaran
6. Akshay Mukhiya Son Of Pundeo Mukhiya Resident Of Village- Dumari Mahanwa, Police Station- Majhauriya, District- West Champaran
7. Pundeo Mukhiya Son Of Late Gaya Mukhiya Resident Of Village- Dumari Mahanwa, Police Station- Majhauriya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr. Sarvesh Kashyap, learned counsel for
the petitioners and Mr. Surendra Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Majhauriya P.S. Case No. 854 of 2023, F.I.R.
dated 04.10.2023 for the offences punishable under Sections
304(B), 201, 34 and 506 of the Indian Penal Code.



3. According to prosecution case, on non-fulfillment of the demand of dowry the petitioners are said to have killed the daughter of the informant and also burned the dead body of the deceased without post-mortem.

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 the allegation as alleged is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that the daughter of the informant had fallen on the platform of the hand-pump and due to which she received the injury and in due course of treatment she died. He further submits that the statement of doctor, who has done the treatment of the deceased, has clearly stated in paragraph-13 of the case diary that when the deceased come for her treatment then she as suo motu stated to the doctor that she has fallen near the hand-pump due to which she has received the injury and apart from that the uncle of the deceased also recorded his statement in paragraph no.18 of the case diary that on the alleged date of occurrence he has come to the matrimonial house of the deceased and he has stated before the police that she has died due to aforesaid reason.



5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, the petitioners having clean antecedent and the allegation as alleged is not supported by the prosecution witnesses, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Majhauriya P.S. Case No. 854 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 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 bonds 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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