

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24992 of 2024

Arising Out of PS. Case No.-171 Year-2023 Thana- NAUTAN District- Siwan

1. Amit Kumar @ Amit Kumar Rai S/o Sriram Rai R/o vill - Semariya, P.S. - Nautan, Distt. - Siwan
2. Indravati Devi W/o Sriram Rai R/o vill - Semariya, P.S. - Nautan, Distt. - Siwan
3. Neha Kumari @ Sanjana Kumari D/o Sriram Rai R/o vill - Semariya, P.S. - Nautan, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr. Gajendra Kumar Singh, learned counsel
for the petitioners as well as Mr. Umeshanand, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Nautan P.S. Case No. 171 of 2023, F.I.R. dated 01.09.2023 for the offences punishable under Sections 304(B), 201/34 of the Indian Penal Code.

3. According to prosecution case, all the F.I.R named accused persons including these petitioners have killed the sister of the informant 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 merely on the ground that the petitioners are the cousin in-laws of the deceased. He further submits that from perusal of the F.I.R it appears that there is no specific allegation of assault, overt act or demand of dowry against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners and the petitioners were living separately from the family of the deceased since 20 years. He further submits that the petitioner no. 1 is cousin brother-in-law, petitioner no. 2 is cousin mother-in-law and petitioner no. 3 is cousin sister-in-law of the deceased.

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

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and the petitioners are distant relatives of the deceased and there is no specific allegation of demand of dowry against them, 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, Siwan in connection with Nautan P.S. Case No. 171 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)

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