

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26036 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- SIMRI District- Buxar

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1. Gangajali Devi wife of Kanhaiya Rajbhar Village- Parmanpur Ps- Simri Dist- Buxar
 2. Bashmati Devi wife of Brajesh Rajbhar Village- Parmanpur Ps- Simri Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Pathak, Advocate
For the Opposite Party/s	:	Mr. Kanhiya Kishor, APP
For the Informant	:	Mr. Satyapal Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2024

Heard Mr. Ravi Shankar, learned counsel for the petitioners, Mr. Satyapal Singh, learned counsel appearing on behalf of the informant as well as Mr. Kanhiya Kishor, learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 22.01.2024 in connection with Simari P.S. Case No. 24 of 2024, F.I.R. dated 22.01.2024 for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have killed the daughter 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 petitioner no. 1 is the mother-in-law and the petitioner no. 2 is sister-in-law (Gotni) of the deceased. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R. that there is no allegation of any assault or overt act attributed against these petitioners and in fact, the deceased has herself committed suicide which is also supported by the medical evidence. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 22.01.2024.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R. and apart from that there is allegation against these petitioners that they have demanded dowry from the family of the deceased.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 Judicial Magistrate 1st Class Court No. 12 at Buxar in connection with Simari P.S. Case No. 24 of 2024, subject to the 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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