

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26144 of 2024

Arising Out of PS. Case No.-368 Year-2023 Thana- GORAUL District- Vaishali

1. Rohit Kumar Son of Chandeshwar Singh Resident of Village- Mohammadpur Turi, P.S.- Goraul (Kathara O.P.), Dist.- Vaishali
2. Kajal Kumari Wife of Rajesh Singh D/o Chandeshwar Singh, Resident of Village- Sadapur, P.S.- Mahua, Dist.- Vaishali, Present resident of Village Mohammadpur Turi, P.S.- Goraul (Kathara O.P.), Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate
For the State	:	Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2024 Learned counsel for the petitioners is directed to correct paragraph-8 of the bail petition in course of the day.

2. Heard Mr. Santosh Kumar, learned counsel for the petitioners and Mr. Anish Chandra, learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Goraul (Kahara O.P) P.S. Case No. 368 of 2023, F.I.R. dated 01.09.2023 for the offences punishable under Sections 304(B), 201 and 34 of the Indian Penal Code.

4. According to prosecution case, the petitioners with co-accused persons tortured the informant's daughter for demand of dowry and on non-fulfillment of the same they killed her.



5. 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 in-laws of the deceased. He further submits that the petitioners are living separately from the family members of the deceased. He further submits that petitioner no.1 is the brother-in-law of the deceased and petitioner no.2 is the married sister-in-law of the deceased. He further submits that there is no specific allegation of any assault or overt act or demand of dowry against these petitioners rather general and omnibus allegations attributed all the accused persons including these petitioners.

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

7. Considering the aforesaid facts that there is no specific allegation of any assault or overt act or demand of dowry attributed against these petitioners, 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 Additional Chief Judicial Magistrate-1, Vaishali in connection with Goraul (Kahara O.P) P.S. Case No. 368 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)

ajay/vinayak-

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

