

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25543 of 2024

Arising Out of PS. Case No.-31 Year-2023 Thana- BHAPTIAHI District- Supaul

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1. Suresh Mukhiya son of Dev Narayan Mukhiya Resident of Village - Chandpiper, Ward No.09, Police Station- Bhaptiyahi, Dist.- Supaul
 2. Ganesh Mukhiya Son of Dev Narayan Mukhiya Resident of Village - Chandpiper, Ward No.09, Police Station- Bhaptiyahi, Dist.- Supaul
 3. Ramesh Mukhiya Son of Dev Narayan Mukhiya Resident of Village - Chandpiper, Ward No.09, Police Station- Bhaptiyahi, Dist.- Supaul

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2024 Heard Mr. Arun, learned counsel for the petitioners

as well as Mr. Surendra Prasad Singh, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bhaptiyahi P.S. Case No. 31 of 2023, F.I.R. dated 23.03.2023 for the offences punishable under Sections 304B, 302, 201/34 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 petitioners are brothers-in-law of the deceased. He further submits that it appears from the F.I.R that there is no specific allegation of assault, overt act or demand of dowry attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that the husband of the deceased, namely, Dinesh Mukhiya is in judicial custody since 24.03.2023.

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 there is no specific allegation against these petitioners and husband of the deceased is in judicial custody, 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, Supaul in connection with Bhaptiyahi P.S. Case No. 31 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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