

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28777 of 2024

Arising Out of PS. Case No.-265 Year-2023 Thana- MOHAMMADPUR District- Gopalganj

1. Pratima Devi W/o Anup Kumar R/o vill - Hakam, P.s. - Mohammadpur, Distt. - Gopalganj
2. Priti Devi @ Priti Kumari W/o Ritik Kumar Patel R/o vill - Hakam, P.s. - Mohammadpur, Distt. - Gopalganj
3. Rameshwar Prasad S/o Late Jaleshwar Prasad R/o vill - Hakam, P.s. - Mohammadpur, Distt. - Gopalganj
4. Kameshwar Prasad S/o Late Jaleshwar Prasad R/o vill - Hakam, P.s. - Mohammadpur, Distt. - Gopalganj
5. Manish Kumar @ Manish S/o Rameshwar Prasad R/o vill - Hakam, P.s. - Mohammadpur, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindar Kumar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-05-2024 Heard Mr. Ravindar Kumar, learned counsel for
the petitioners and learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Mahammadpur P.S. Case No. 265 of 2023 for the offence under sections 302, 201, 34 of the I.P.C. lodged on 20.11.2023 by the informant, Shivjharo Devi.

3. As per the prosecution story, the informant's



daughter was married to Jitendra Prasad in the year 2014 but always torture for dowry and in the year 2023, they came to know about her killing as also the fact that his daughter had been killed by the accused persons and dead body had been burnt in lonely place. After receiving this news, the informant reached at his daughter's Sasural where all the accused persons abused him. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submit that the petitioner no.4 is the father-in-law, petitioner no.3 is the cousin father-in-law, both the petitioner nos. 1 and 2 are ladies and married sisters-in-law (Nanad) and the petitioner no.5 is the brother-in-law (Devar). Further, they have no role to play in the matter, all living separately from the couple and the last submission is that the husband who was in custody earlier has since been released by a coordinate Bench in Cr. Misc. No. 25620 of 2024 on 10.04.2024.

5. Learned APP opposes the prayer stating that they have been named in the F.I.R.

6. Though, the petitioners are named in the F.I.R., admittedly, they are married sisters-in-law, aged father-in-law/uncle-in-law and the devar (brother-in-law). The contention is that they were living separately, the husband as stated above,



has since been released on bail, F.I.R. lodged and they will be facing the trial.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gopalganj in connection with Mahammadpur P.S. Case No. 265 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing



any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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