

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33337 of 2024

Arising Out of PS. Case No.-240 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. SHIV NANDAN CHOUDHARY SON OF FAHIM CHOUDHARY
RESIDENT OF VILLAGE - CHAMAINI, P.S. - BAKHTIYARPUR
KARAIA OP., DISTRICT - SAHARSA
 2. ASHA DEVI WIFE OF SHIV NANDAN CHOUDHARY RESIDENT OF
VILLAGE - CHAMAINI, P.S. - BAKHTIYARPUR KARAIA OP.,
DISTRICT - SAHARSA
 3. POOJA DEVI @ PUJA KUMARI WIFE OF CHHATISH CHOUDHARY
@ SATISH KUMAR RESIDENT OF VILLAGE - CHAMAINI, P.S. -
BAKHTIYARPUR KARAIA OP., DISTRICT - SAHARSA
 4. CHHATISH CHOUDHARY @ SATISH KUMAR SON OF SHIV
NANDAN CHOUDHARY RESIDENT OF VILLAGE - CHAMAINI, P.S. -
BAKHTIYARPUR KARAIA OP., DISTRICT - SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Advocate
For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2024 Heard Mr. Diwakar Prasad Singh, learned counsel for

the petitioners and the State.

2. The petitioners are apprehending arrest in
connection with Bakhtiyarpur P.S. Case No. 240 of 2023
instituted under Sections 304-B, 302, 201, 34 of the Indian
Penal Code lodged on 11.5.2023 by the informant, Deepak
Choudhary.



3. As per the prosecution story, the informant alleged that the victim lady was married with Bijendra Choudhary but was always tortured for dowry. On 9.5.2023, information came about her death. As they rushed to the village, it was informed that the dead body has already been taken away. Again upon reaching, the accused persons escaped. This led to the FIR.

4. Learned counsel for the petitioners submit that the husband Bijendra Choudhary has surrendered on 6.5.2024. Further, the petitioners herein are father-in-law, mother-in-law, sister-in-law and brother-in-law. It is his categorical undertaking that the husband has surrendered on 6.5.2024.

5. Learned APP opposes the prayer submitting that the allegation has been made against all the family members.

6. Taking into account the aforesaid facts that the petitioners herein are family members, FIR is there, they will have to face the trial, none has criminal antecedent, the husband is in custody, this Court is inclined to extend them the privilege of anticipatory bail. However, if it is found that contrary to the submission, the husband is still free, the bail order shall become infructuous.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Bakhtiyarpur P.S. Case No. 240 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Saharsa subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her 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 co-operate in the investigation and make themselves available to the police as and when required;

(iv) 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;

(v) 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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