

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27816 of 2024

Arising Out of PS. Case No.-269 Year-2023 Thana- PIPRAKOTHI District- East Champaran

1. Rinki Devi W/o Raju Sahani R/o vill - Ramgadh Muhuawa, P.s - Piprakothi, Distt. - East Chamapran
2. Raushan Kumar @ Raushan Sahani S/o Late Dasai Sahani R/o vill - Ramgadh Muhuawa, P.s - Piprakothi, Distt. - East Chamapran
3. Most. Kabutari Devi W/o Late Dasai Sahani R/o vill - Ramgadh Muhuawa, P.s - Piprakothi, Distt. - East Chamapran
4. Rambabu Chaudhary @ Ram Kumar S/o Mukhtar Sahani R/o vill - Chintamanpur, P.s - Pipra, Distt. - East Chamapran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
Mr. Hemant Ray, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2024 Heard Mr. Abhishek Kumar, learned counsel for the petitioners as well as Mr. Uday Chand Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Pipra Kothi P.S. Case No. 269 of 2023, F.I.R. dated 27.11.2023 for the offences punishable under Sections 302, 201, 120(B), 34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have murdered the daughter of the informant and threw her dead body near Bela Ghat river in order to conceal the evidence.

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 basis that the petitioners are in-laws of the deceased where petitioner no. 1 is sister-in-law, petitioner no. 2 is brother-in-law, petitioner no. 3 is mother-in-law and petitioner no. 4 is brother-in-law of the deceased. He further submits that it appears from the F.I.R that there is no accusation of any assault or overt act or demand of dowry against these petitioners rather there is general and omnibus allegation against the petitioners. He further submits that the informant is not the eye witness of the alleged occurrence and the husband of the deceased is in judicial custody since 09.01.2024.

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

6. Considering the aforesaid facts and circumstances that there is no accusation of any assault, overt act or demand of dowry 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 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, East



Champaran, Motihari in connection with Pipra Kothi P.S. Case No. 269 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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