

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30682 of 2024**

Arising Out of PS. Case No.-263 Year-2023 Thana- HATHAURI District- Muzaffarpur

Ashok Ojha Son of Late Rambriksh Ojha Resident of Village - Amma, P.S.-
Hathauri, District – Muzaffarpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner, State as also

learned counsel for the informant.

2. The petitioner is an accused in connection with Hathauri P.S. Case No. 262 of 2023 registered for the offences under sections 323, 120-B, 498A, 302, 201 and 504 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act lodged on 25.12.2023 by the informant, Komal Devi.

3. As per the prosecution story, the informant alleged that she was married in the family of the present accused persons and the petitioner is the father-in-law. On 04.11.2024, she gave birth to a female child which was not accepted by the family members and on 23.12.2023, when after feeding her child, she went out and while returning saw her mother-in-law coming out from the room and once inside saw the child dead. This followed the FIR.

4. Learned counsel for the petitioner submits that it is an unfortunate incident in which two months old female child



left this world, even going by the prosecution story, the allegation is that mother-in-law entered the room and was coming out which followed the sight of the dead girl by the mother. He further submits that this petitioner is father-in-law have no role to play in the matter.

5. Learned counsel for the informant submits that Section 498A of the Indian Penal Code is also there *inasmuch* all the family members used to torture the lady and wants the female child came in this world, it became severe.

6. Though allegation is there, the present status is unfortunate that even the females do not want arrival of a female child and a two months old child who had come to this world with a hope in her eyes left within two months not due to illness but the thoughts/mentality of the society who only want male child little realizing that absence of female child will result into blockade of arrival of male child ultimately. However, the fact remains that the main allegation is against the mother-in-law, the post-mortem report shows that it was due to throttling, this petitioner is the father-in-law, so far as killing is concerned, no role has been attributed to him and he is in custody since 26.12.2023 having no criminal antecedent, this Court is inclined to extend him the privilege of bail.



7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned J.M.-1st Class, Muzaffarpur (East) in connection with Hathauri P.S. Case No. 263 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner 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 his/her bail bond by the Trial court itself;

(iii) the petitioner 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 his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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