

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38967 of 2024

Arising Out of PS. Case No.-228 Year-2023 Thana- DAWATH District- Rohtas

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1. Ashok Kumar @ Ashok Singh @ Sikandar Singh Son of Late Rambhaju Singh Resident of Village- Ram Nagar, P.S.- Dawath, Dist.- Rohtas
 2. Renu Devi Wife of Ashok Kumar @ Ashok Singh @ Sikandar Singh Resident of Village- Ram Nagar, P.S.- Dawath, Dist.- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi Wife of Anuj Kumar, Daughter of Brij Kishore @ Dharmendra Singh Resident of Village- Uttardaha, P.O.- Manudihari, P.S.-Tiyar, Dist.- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Giri, Advocate
For the State	:	Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2024 Heard Mr. Jitendra Kumar Giri, learned counsel

for the petitioners and Mr. Narsingh Tanti, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Dawath P.S.Case No.228 of 2023, FIR dated 18.11.2023 registered for the offences punishable under Sections 341, 323, 325, 498(A), 504, 506 and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that the petitioners demanded dowry after marriage of and due to



non fulfillment of the same, informant's husband and his family members assaulted the informant by means of rod due to which informant sustained injuries on her head and her hand.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have falsely been implicated in the present case merely on the ground that the petitioners are in-laws of the informant and from a bare perusal of the FIR it appears that there is no specific allegation of any assault, overt-act or demand of dowry attributed against the petitioners rather there is general and omnibus allegation against these petitioners. He further submits that although there is allegation against the petitioners that they assaulted to the informant but there is no injury report available on the record which suggests that the informant had received any injury.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, the petitioners have clean antecedent and the petitioners are father-in-law



and mother-in-law of the informant, let the petitioners, above named, in the event of their 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 learned Additional Chief Judicial Magistrate, Bikramganj, Rohtas, in connection with Dawath P.S. Case No.228 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 bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 antecedents, 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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