

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35703 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- DARPA District- East Champaran

1. Tetri Kumari D/o- Banka Sharma @ Banka Thakur Village- Gamhariya Kala Ps- Darpa Dist- East Champaran
2. Kunti Devi wife of Banka Sharma @ Banka Thakur Village- Gamhariya Kala Ps- Darpa Dist- East Champaran
3. Babia Devi wife of Bhulan Sharma Village- Gamhariya Kala Ps- Darpa Dist- East Champaran
4. Mantura Devi wife of Nathuni Thakur Village- Latiyahi Ps- Adapur Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate
For the State : Mrs. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-07-2024 Heard Mr. Sunil Kumar No.III, learned counsel for the petitioners and Mrs. Pushpa Sinha.1, learned APP for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application as against the petitioner no.2, namely, Kunti Devi, as she has already been arrested by the police, during pendency of this application.

3. Permission is granted.

4. Accordingly, the instant application as against the petitioner no.2 is dismissed as withdrawn.

5. Now, this application is being heard for



consideration of anticipatory bail as against the petitioner nos.1, 3 & 4 only.

6. Heard learned counsel for the rest of the petitioners and Mr. learned Additional Public Prosecutor appearing on behalf the State.

7. The petitioners are apprehending their arrest in connection with Darpa P.S. Case No. 15 of 2024, F.I.R. dated 30.01.2024 for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code.

8. According to prosecution case, petitioners have killed the sister of the informant due to non-fulfillment of the demand of Alta Car.

9. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that from a bare perusal of the FIR it appears that informant is not the eye witness of the alleged occurrence and merely on the basis of the suspicion the informant has implicated the petitioners in the present false case. He further submits that there is no specific allegation of



any assault or overt act or demand of dowry is attributed against these petitioners rather general and omnibus allegation against all the accused persons including these petitioners. He further submits that petitioner no.1, namely, Tetri Kumari is sister-in-law of the deceased, petitioner no.3, namely, Babia devi is sister-in-law of the deceased, and petitioner no.4, namely, Mantura Devi is aunty of the deceased. He further submits that husband of the deceased, namely, Rajan Sharma, is in judicial custody since 04.03.2024.

10. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

11. Considering the aforesaid facts and circumstances and the fact that petitioners having clean antecedent, there is no specific allegation of any assault or overt act or demand of dowry against these petitioners, let the petitioner nos.1, 3 & 4, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Raxaul at Motihari, East Champaran in



connection with Darpa P.S. Case No. 15 of 2024, 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 his absence on two consecutive dates without sufficient reason, his bail bond 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 antecedent, the court below shall take step for cancellation of bail bonds 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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