

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36239 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- KESARIA District- East Champaran

1. Harendra Ram Son of Ramvachan Ram @ Ramavan Ram Resident of Village - Tilokwa, P.S.- Kesariya, District - East Champaran.
2. Deepmala Devi Wife of Harendra Ram Resident of Village - Tilokwa, P.S.- Kesariya, District - East Champaran.
3. Abhishek Kumar Son of Harendra Ram Resident of Village - Tilokwa, P.S.- Kesariya, District - East Champaran.
4. Vikash Ram Son of Harendra Ram Resident of Village - Tilokwa, P.S.- Kesariya, District - East Champaran.
5. Hansmukh Devi @ Priya Kumari Wife of Rajesh Ram Resident of Village - Tilokwa, P.S.- Kesariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the State : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-07-2024 Heard Mr. Karandeep Kumar, learned counsel for the petitioners and Mrs. Sharda Kumari, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kesariya P.S. Case No. 56 of 2024, F.I.R. dated 24.02.2024 for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have committed murder of the daughter of the informant by pressing her neck.



4. Learned counsel for the petitioners submits that petitioner nos. 2 to 5 have clean antecedent and petitioner no.1 carries one criminal antecedent other than the present one but he is on bail in the pending matter and they have falsely been implicated in the present case. He further submits that the allegation as alleged is false and fabricated and the petitioners have not committed any offence as alleged in the FIR in fact the deceased has committed suicide herself. He further submits that the informant is not the eye witness of the alleged occurrence and even no-one has seen the alleged occurrence. He further submits that petitioner nos.1 & 2 are father-in-law, petitioner nos. 3 & 4 are brother-in-law and petitioner no.5 is sister-in-law of the deceased and they have been made accused merely on the ground that they are in laws of the deceased.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that it is a peculiar case in which the husband of the deceased has not been made accused but fairly submits that except the suspicion no other cogent material has come during the investigation to suggest that involvement of the petitioners in the present occurrence.

6. Considering the aforesaid facts and circumstances,



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 bonds 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 at Motihari in connection with Kesariya P.S. Case No. 56 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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