

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38152 of 2024

Arising Out of PS. Case No.-736 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

1. Soni Devi Wife of Sikandar Tiwary Resident of Village - Kolhua Chowk Paigambarpur, P.S.- Ahiyapur, District- Muzaffarpur.
2. Ajay Kumar @ Ajay Tiwary Son of Sikandar Tiwary Resident of Village - Kolhua Chowk Paigambarpur, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Devi Wife of Kunal Pandey Resident of Village - Dighi Purbi, P.S.- Sadar, District- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Advocate
For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-06-2024 Heard Mr. N.K. Agrawal, learned Senior counsel for the
petitioners and Mrs. Rita Verma, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Hajipur Sadar P.S. Case No. 736 of 2023, F.I.R. dated 26.09.2023 registered for the offences punishable under Sections 447, 341, 323, 504, 506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Allegation against the petitioners is that they along with other co-accused persons demanded Rs. 5,00,000/- from the informant's daughter as dowry and due to non-fulfillment of said demand, she was subjected to torture and cruelty by the accused petitioners and other accused persons.



4. Learned Senior counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. and from perusal of the F.I.R. it appears that the place of occurrence is the house of the informant and also from perusal of the F.I.R. it appears that there is no specific allegation against these petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that the petitioner no. 1 is the mother-in-law and petitioner no. 2 is brother-in-law of the victim.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts that the petitioners having clean antecedents and there is no specific allegation of any assault or demand of dowry rather there is general and omnibus allegation against these petitioners , 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar



P.S. Case No. 736 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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