

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38612 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- BHORE District- Gopalganj

1. Motilal @ Motilal Burnwal, S/O Late Ram Naresh Burnwal, Resident of Village-Vengari Bazar, P.S.-Khampur, District- Deoria, Uttar Pradesh
2. Amit Burnwal @ Amit Kumar Burnwal, S/o Motilal @ Motilal Burnwal, Resident of Village-Vengari Bazar, P.S.-Khampur, District- Deoria, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kaushlendra, Advocate
For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Bhore P.S. Case No. 17 of 2024, registered on 17.01.2024, for the offences under Sections 306/34 of the Indian Penal Code.

3. As per prosecution case, the daughter of the informant was married with the petitioner no.2 and the petitioner no.1 is her father-in-law. The allegation against the petitioners and other co-accused persons is that of demanding Rs.5 lacs cash, a motorcycle and a gold chain. Further allegation against the petitioners is that they continued torturing the



daughter of the informant, who came back to her parental house where she committed suicide by setting herself on fire.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The FIR has been lodged after much deliberation. For an occurrence of 17.12.2023, the FIR has been registered on 17.01.2024 for which there is no satisfactory explanation. It is evident from the FIR that the deceased committed suicide at her parental home. The learned counsel further submits that prior to the occurrence, the matter was settled between the parties and the petitioner no.2 and the deceased agreed to dissolve their marriage with mutual consent and the petitioners were required to make payment of Rs.10 lacs in the name of deceased. The informant was supposed to provide the bank account details of the deceased. The settlement talks have been captured on video and a pen drive has been produced before the investigating authorities which clearly shows the petitioners' side tried to amicably resolve the dispute. The learned counsel further submits that there has been no demand either of money or motorcycle or gold chain and whole allegation is completely false and concocted, otherwise there was no occasion for the petitioners to enter into the agreement to make payment of



Rs.10 lacs to the deceased. Even otherwise there is no allegation of immediate provocation against the petitioners, who are having no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that there is specific allegation against the petitioners that by their continuous demand, they instigated the daughter of the informant to commit suicide.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the remoteness of allegation and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj/concerned court in connection with Bhore P.S. Case No. 17 of 2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close



relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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