

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39522 of 2024

Arising Out of PS. Case No.-197 Year-2014 Thana- BARHIYA District- Lakhisarai

1. Harishankar Singh @ Persan Singh Son of Late Bindeshwar Singh Resident of Village- Khuthadih ,P.S- Barahiya, Dist- Lakhisarai
2. Ram Shankar Singh Son of Late Bindeshwar Singh Resident of Village- Khuthadih ,P.S- Barahiya, Dist- Lakhisarai
3. Shiv Kumar @ Tikkar Singh @ Sonu Kumar Son of Shivshankar Singh Resident of Village- Khuthadih ,P.S- Barahiya, Dist- Lakhisarai
4. Chitranjan Kumar Son of Uday Shankar Singh Resident of Village- Khuthadih ,P.S- Barahiya, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Advocate
For the State : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2024 Heard Mr. Parmanand Pd. Nr. Sahi, learned

counsel for the petitioners and Mr. Dinesh Singh, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Barahiya P.S.Case No.197 of 2014, FIR dated 13.11.2014 registered for the offences punishable under Sections 304(B), 120 and 34 of the Indian Penal Code and charge sheet submitted against some accused under Section 302, 120 and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that the



daughter of the informant has been killed by the member of her in-law's house including these petitioners due to non-fulfillment of dowry after marriage.

4. Learned counsel for the petitioners submits that the petitioners having clean antecedents and they have been falsely been implicated in the present case and petitioners are villagers of the husband of the deceased and they are not the family members of the deceased and they have been made accused on basis of suspicion. He further submits that the police after investigation submitted final form against the petitioners on 30.04.2016 and petitioners are not sent up for trial, but the learned Court of Chief Judicial Magistrate, Lakhisarai has taken cognizance against the petitioners on 24.06.2022, under Section 302, 120 and 34 of the Indian Penal Code. He further submits that co-accused person namely Rajesh Kumar who is husband of the deceased has been granted bail by a co-ordinate Bench of this Court vide order dated 14.12.2016 passed Cr. Misc. No. 37969 of 2016 and also Ram Balak Singh, who is father-in-law of the deceased has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated



13.08.2015 passed in Cr. Misc. No. 32404 of 2015.

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 and the fact that the petitioners having clean antecedents and police had filed final form against the petitioners and petitioners are not sent up for trial and learned Court of Chief Judicial Magistrate, Lakhisarai has taken cognizance against these petitioners and other co-accused persons have been granted bail by co-ordinate Benches of this Court, 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 Chief Judicial Magistrate, Lakhisarai, in connection with Barahiya P.S.Case No.197 of 2014, 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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