

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.40377 of 2024

Arising Out of PS. Case No.-33 Year-2023 Thana- MAHILA P.S. District- Rohtas

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1. Rajiv Kumar Verma S/o- Late Munshi Singh R/o village - Malhipur, P.S.- Chenari, Dist.- Rohtas
 2. Gudia Devi @ Pravin Kumari W/o- Rajiv kumar @ Rajiv Kumar Verma R/O village - Malhipur, P.S.- Chenari, Dist.- Rohtas
- Petitioner/s

Versus

1. The State of Bihar
 2. Kiran Kumari D/o Dinanath singh R/o Village- Jamodi, P.S.-Bikram, District-Rohtas at present residing at Jagriti Nagar Magistrate Colony, P.S.- Rajiv Nagar, district- Patna.
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Braj Kishore Singh, Advocate
For the Opposite Party/s	:	Mohammed Arif, APP
For the Informant	:	Mr. Ajit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Braj Kishore Singh, learned counsel for the petitioners, Mr. Ajit Kumar, learned counsel appearing on behalf of the informant as well as Mohammed Arif, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mahila P.S. Case No. 33 of 2023, F.I.R. dated 19.07.2023 for the offences punishable under Sections 498(A)/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. According to prosecution case, all the accused persons including these petitioners have abandoned the informant due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners submits that



petitioners are innocent and they have falsely been implicated in the present case merely on the ground that the petitioner no. 1 and petitioner no. 2 are brother-in-law and sister-in-law of the informant respectively. He further submits that it appears from the F.I.R that there is no specific allegation of any assault or overt act against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. And apart from that these petitioners are living separately from the family of the informant and they have no concern at all with the family affairs of the informant.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R and petitioner no. 1 carries one criminal antecedent other than the present one and fairly submits that the petitioner no. 2 has clean antecedent.

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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the



learned Chief Judicial Magistrate, Sasaram, Rohtas in connection with Mahila P.S. Case No. 33 of 2023, 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 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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