

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40724 of 2024

Arising Out of PS. Case No.-148 Year-2023 Thana- BELDOUR District- Khagaria

1. Md Anjar @ Md Anjar Ali Son of Late Md. Hanif Marhoom Resident of Village-Chodhali, P.S.- Beldaur, Distt. - Khagaria
2. Sadrun Khatoon Wife of Late Md. Hanif Marhoom Resident of Village-Chodhali, P.S.- Beldaur, Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

For the Informant : Mr. Ram Sumiran Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Ranjeet Kumar Singh, learned counsel
for the petitioners, Mr. Ram Sumiran Rai, learned counsel
appearing on behalf of the informant as well as Mr. Choubey
Jawahar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Beldour P.S. Case No. 148 of 2023, F.I.R. dated 27.06.2023 for the offences punishable under Sections 304(b)/34 of the Indian Penal Code.

3. According to prosecution case, both these petitioners along with other accused persons have committed murder of the informant's daughter due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case merely on the ground that the petitioner no. 1 is brother-in-law and petitioner no. 2 is mother-in-law of the deceased. He further submits that it appears from the F.I.R that there is no specific allegation of any assault or overt act or demand of dowry against these petitioners rather there is general and omnibus allegation against the petitioners. He further submits that the co-accused, namely, Md. Absar who is husband of the deceased is in judicial custody since 27.10.2023.

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.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and there is no specific allegation of demand of dowry against them and the husband of the deceased is in judicial custody, 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 Judicial Magistrate 1st Class, Khagaria in connection with Beldour P.S.



Case No. 148 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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