

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40740 of 2024

Arising Out of PS. Case No.-656 Year-2022 Thana- COMPLAINT CASE District- Lakhisarai

1. Sarojini Devi @ Saroj Devi W/O Shyam Kishore Singh R/O Village- Sundarpur, Dharera, Distt.- Munger.
2. Shyam Kishore Singh S/O Faudi Prasad Singh R/O Village- Sundarpur, Dharera, Distt.- Munger.
3. Prem Kishore Singh @ Prem Kumar S/O Shyam Kishore Singh R/O Village- Sundarpur, Dharera, Distt.- Munger.
4. Nitu Kishore @ Nitu Kishor @ Nitu Kishore Singh D/O Shyam Kishore Singh R/O Village- Sundarpur, Dharera, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Syed Asgher Najmi, Advocate
For the Opposite Party/s	:	Ms. Asha Kumari, APP
For the Complainant	:	Mr. Ram Adya Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Syed Asgher Najmi, learned counsel for the petitioners, Mr. Ram Adya Singh, learned counsel appearing on behalf of the complainant as well as Ms. Asha Kumari, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 656 (C) of 2022 for the offences punishable under Sections 341, 323, 504 and 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act but the cognizance has been taken against these petitioners under Section 498A of the Indian Penal Code and Sections 3/4 of the D.P. Act.

3. According to prosecution case, all the accused



persons including the petitioners tortured the complainant 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 petitioners are in-laws of the complainant where petitioner no. 1 is mother-in-law, petitioner no. 2 is father-in-law, petitioner no. 3 is brother-in-law and petitioner no. 4 is sister-in-law of the complainant. He further submits that it appears from the F.I.R that there is no specific allegation of demand of dowry against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners.

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, 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, Lakhisarai in connection with



Complaint Case No. 656 (C) of 2022, 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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