

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40485 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- JAMHOR District- Aurangabad

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1. Mahfuz Alam Son of Md. Islam Ansari R/O Vill.- Koshadihra Tola, Ahmad Nagar, P.S.- Jamhore, Dist.- Aurangabad, Bihar
 2. Sajda Khatoon Wife of Mahfuz Alam R/O Vill.- Koshadihra Tola, Ahmad Nagar, P.S.- Jamhore, Dist.- Aurangabad, Bihar
 3. Shahjahan Khatoon Wife of Firoj Alam R/O Vill.- Koshadihra Tola, Ahmad Nagar, P.S.- Jamhore, Dist.- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Rupa Kumari, Advocate
	:	Mr. Yugal Kishore, Advocate
For the State	:	Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Ms. Rupa Kumari, learned counsel for the petitioners and Mr. Zainul Abedin, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Jamhore P.S. Case No. 12 of 2024, F.I.R. dated 06.02.2024 for the offences punishable under Sections 306 and 34 of the Indian Penal Code.

3. According to prosecution case, the petitioners along with other co-accused persons are said to have killed the sister of the informant on non-fulfillment of the 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 on the ground that petitioners are in-laws of the deceased. She further submits that petitioner no.1 is brother-in-law, petitioner no.2 is sister-in-law and petitioner no.3 is married daughter of the sister-in-law of the deceased. She further submits that from a bare perusal of the FIR it appears that informant is not the eye witness of the alleged occurrence and only on the basis of the suspicion the informant has filed the present FIR against the petitioners and other co-accused persons. She further submits that it appears from the FIR that there is no specific allegation of any assault or overt act rather there is general and omnibus allegation against all the accused persons including the petitioners.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that petitioners having clean antecedent, there is no specific allegation of any assault or overt act against these petitioners and petitioners are brother-in-law, sister-in-law and married daughter of the sister-in-law of the deceased, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. VII, Aurangabad, Bihar in connection with Jamhore P.S. Case No. 12 of 2024, 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 his absence on two consecutive dates without sufficient reason, his bail bond 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 antecedent, the court below shall take step for cancellation of bail bonds 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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