

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43118 of 2024

Arising Out of PS. Case No.-1008 Year-2023 Thana- ARA NAGAR District- Bhojpur

1. Sri Kant Kumar Son of Mahesh Prasad, Resident of Mohalla- Khetari, P.S - Ara Nagar, District- Bhojpur.
2. Kalawati Devi Wife of Sri Kant Kumar, Resident of Mohalla- Khetari, P.S - Ara Nagar, District- Bhojpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rajani Ranjan Pd. Singh, Advocate
For the Opposite Party : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-10-2024 Heard Mr. Rajani Ranjan Pd. Singh, the learned counsel for the petitioners and Mr. Dinesh Singh, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Ara Nagar PS Case No. 1008 of 2023, FIR dated 13.12.2023, registered for the offence punishable under Section 304(B) read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, the daughter of informant was subjected to torture by her in-laws over non-fulfillment of dowry demand. It is further alleged that due to non-fulfillment of dowry demand, her in-laws set her on fire and she later died during treatment.



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 petitioner no. 1 is the father-in-law and petitioner no. 2 is mother-in-law of the deceased. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act or demand of dowry attributed against the petitioners, rather there is general and omnibus allegation against all the co-accused persons including the petitioners. He further submits that the petitioners took the deceased to hospital for treatment and she was alive for about one week in the hospital and she did not state anything about the petitioners before her death. Apart from that, the husband of the deceased, who happens to be the son of the petitioners is in judicial custody.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR. Apart from that, the petitioners actively participated in the crime in question and they are in-laws of the deceased.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent, there



is no specific allegation of any assault or overt act or demand of dowry attributed against the petitioners and deceased has not stated anything about the petitioners while she was alive at the hospital, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, Bhojpur at Ara, where the case is pending in connection with **Ara Nagar PS Case No. 1008 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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