

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44596 of 2024

Arising Out of PS. Case No.-217 Year-2022 Thana- BARURAJ District- Muzaffarpur

1. Geeta Devi W/o- Mantoo Rai village- Mataiya Ps- Baruraj Dist- Muzaffarpur
2. Malti Devi wife of Ganpat Rai village- Mataiya Ps- Baruraj Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP
For the Informant	:	Mr. Sumit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 28-11-2024 Heard Mr. Manoj Kumar, learned counsel for the petitioners, Mr. Sumit Kumar, learned counsel appearing on behalf of the informant as well as Mr. Bhanu Pratap Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Baruraj P.S. Case No. 217 of 2022, F.I.R. dated 25.09.2022 for the offences punishable under Sections 302, 201, 120B and 34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners used to torture the deceased due to non fulfillment of demand of dowry and after the death of the deceased's husband, the accused persons spread rumour



about her missing and on the next day her dead body was found in a pond.

4. Learned counsel for the petitioners submits that petitioner no. 1 has clean antecedent and petitioner no. 2 carries one criminal antecedent other than the present one and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that petitioner no. 1 is sister-in-law and petitioner no. 2 is mother-in-law of the deceased. He further submits that from perusal of the F.I.R., it appears that on the basis of suspicion, the petitioners have been made accused in the present case. He further submits that the statement of the daughter of the deceased, namely, Urvashi Kumari was recorded in paragraph no. 21 of the case diary in which she has categorically stated that when her mother has come to know about the death of her father, she tried to commit suicide but the family members rescued her and after that she fled from the house and on the next day, the dead body of the deceased was found in a pond.

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 it has come during investigation that the petitioners were involved in the present crime in question.

6. Considering the aforesaid facts and circumstances that there is no material available on record which suggest the involvement of the petitioners in the present occurrence, 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, West Muzaffarpur in connection with Baruraj P.S. Case No. 217 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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