

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52482 of 2024

Arising Out of PS. Case No.-392 Year-2023 Thana- GOPALPUR District- Bhagalpur

1. Kiran Devi W/o Nanku Sharma R/o vill - Bari Makandpur, P.S. - Gopalpur, Distt - Bhagalpur
2. Nanku Sharma S/o Jyotish Sharma @ Jyotish Tatma R/o vill - Bari Makandpur, P.S. - Gopalpur, Distt - Bhagalpur
3. Jyotish Sharma @ Jyotish Tatma S/o Mugal Sharma R/o vill - Bari Makandpur, P.S. - Gopalpur, Distt - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2024 Heard Mr. Rajesh Kumar, learned counsel for the
petitioners and Mr. Prem Kumar Jha, learned APP for the State.

2. Learned counsel for the petitioners submits that during the pendency of the petition, petitioner no. 1, namely, Kiran Devi has been arrested and as such he seeks permission to withdraw the application with respect of petitioner no. 1, namely, Kiran Devi as having become infructuous.

3. Permission is accorded.

4. The bail application with respect to petitioner no.1, namely, Kiran is dismissed as withdrawn as having become infructuous.



5. The petitioners (except petitioner no.1) are apprehending their arrest in connection with Gopalpur P.S. Case No. 392 of 2023, F.I.R. dated 11.08.2023 registered for the offences punishable under Sections 304(B), 34 of the Indian Penal Code.

6. Allegation against the petitioners is of committing torture and caused death of the victim due to non-fulfillment of demand of dowry.

7. Learned counsel for the petitioners (except petitioner no.1) submits that the petitioners have clean antecedents and they have been falsely implicated in the present case merely on the ground that the petitioner namely Nanku Sharma is brother-in-law and petitioner namely Jyotish Sharma @ Jyotish Tatma is father-in-law of the deceased. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners (except petitioner no. 1) have not committed any offence as alleged in the F.I.R. He further submits that the trial has begun with respect to Vijay Sharma who happens to be husband of the deceased in Sessions Case No. 925 of 2023, Trial No. 79 of 2023 and the said Vijay Sharma has been acquitted by the learned Additional District & Sessions Judge-1st, Naugachia, Bhagalpur vide order dated



01.05.2024 passed in Sessions Case No. 925 of 2023, Trial No. 79 of 2023.

8. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners (except petitioner no.1).

9. Considering the aforesaid facts that the petitioners (except petitioner no. 1) having clean antecedents and co-accused person namely Vijay Sharma who happens to be the husband of the deceased has been acquitted by the learned Trial Court as well as there is no specific allegation against the petitioners (except petitioner no.1) in the F.I.R., let the petitioners (except petitioner no.1), above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge 1st, Naugachia, Bhagalpur in connection with Gopalpur P.S. Case No. 392 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners (except petitioner no.1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners (except petitioner no.1) tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners (except petitioner no.1) and in case at any stage, it is found that the petitioners (except petitioner no.1) have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners (except petitioner no.1). 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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