

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59520 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- CHAND District- Kaimur (Bhabua)

1. Ram Dular Bind @ Shiv Dular Bind Son of Late Dev Nath Bind Resident of Village - Chandosh (Madai), P.S. - Chand, District - Kaimur (Bhabua)
2. Teju Bind Son of Late Dev nath Bind Resident of Village - Chandosh (Madai), P.S. - Chand, District - Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Mishra

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-09-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304B and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that his daughter was married to Vinay on 11-6-2023 and after marriage, the accused persons were demanding Rs. 1 lakh and a motorcycle as dowry and on account of non-fulfillment of the demand, his daughter was killed on 4-5-2024 by the accused persons by strangulating her.



4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of allegation as alleged in the FIR, it would manifest that the thrust of the allegation is against Vinay. It is also submitted that it is not in dispute that the daughter of the informant died within an year of marriage and presumption in law is against the petitioners but then it is submitted that Petitioner No. 2 is elder brother of Petitioner No. 1 and Petitioner No. 1 is father-in-law of the deceased. It is next submitted that the victim committed suicide. It is also submitted that had the petitioner been involved in the occurrence, then efforts would have been made to dispose of the dead body with a view to conceal the evidence but then from perusal of the order impugned, it would manifest that post-mortem of the dead body was done which amply demonstrates that petitioners never made any efforts to conceal the evidence. It is fairly submitted that no doubt the daughter of the informant died but then whenever any dispute in between the husband and the wife occurs and occurrence of the nature as alleged takes place, the entire family members are implicated in a mechanical manner with general, omnibus and ornamental allegation. It is also submitted that even the husband of the deceased is availing



his remedy available in law and recently about 4 days back, his anticipatory bail application has been rejected by the learned trial court. It is also submitted that yardstick for considering the anticipatory bail application of the petitioners is different from that of the husband of the deceased. It is also submitted that Petitioner No. 2 has no concern with the family affairs of the son of his brother, i.e., Petitioner No. 1, but then he has also been implicated in a mechanical manner in the instant case, when informant is not an eye-witness to the occurrence. It is next submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chand P.S. Case No. 79 of 2024, subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioners after recording reasons.

8. Let a copy of this order be sent to the concerned Police Station through the learned Trial Court.

(Satyavrat Verma, J)

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