

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62887 of 2023

Arising Out of PS. Case No.-517 Year-2023 Thana- KANKARBAG District- Patna

1. Vijay Kumar Singh Son Of Late Rajendra Prasad Singh
2. Sunita Singh @ Sunita Devi Wife Of Vijay Kumar Singh
Both Resident Of Village- B -56, Sector-1, HEC Colony, Durwa, P.S.-
Jagarnathpur, Dist.-RANCHI, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-02-2024 Heard Mr.Krishna Kant Singh,learned counsel for

the petitioners, learned counsel for the informant and

Mr.Mritunjay Kumar Nirala, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Kankarbagh P.S.Case No.517 of 2023, FIR
dated 17.05.2023 registered for the offences punishable under
Sections 498(A),307/34 of the Indian Penal Code and Section
3/4 of the D.P.Act in which Section 304(B)/34 of the IPC has
been added.

3. Allegation against the petitioners and other co-
accused persons is of committing torture upon the victim due to



non-fulfillment of demand of dowry. Thereafter, the petitioners alongwith other co-accused persons have in furtherance of their common intention committed the dowry death of the daughter of the informant.

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 the petitioners are inlaws of the deceased. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is allegation that the petitioners have provoked the husband of the deceased and the husband of the deceased, namely, Vivek Kumar, is in judicial custody since 18.05.2023 and the petitioners are not living with the family members of the deceased and they are living at Ranchi.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that in fact they are living with the family members of the deceased and there is specific allegation against the petitioners in the FIR.

6. Considering the aforesaid facts, petitioners have



clean antecedent and the son of the petitioners is in judicial custody, who happens to be the husband of the deceased, let the petitioners, 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 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna in connection with Kankarbagh P.S. Case No.517 of 2023, 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 bonds 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 antecedents, 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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