

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61735 of 2024

Arising Out of PS. Case No.-84 Year-2024 Thana- RUNISAIDPUR District- Sitamarhi

1. Chhotu Kumar @ Chhotu Rai @ Chhotu Ray S/o Late Daresh Ray @ Ramshreshth Yadav, Resident of Village- Kodariya, PS-Runni Saidpur (Garha), District- Sitamarhi.
2. Kiran Devi @ Kiran Kumari W/o Kamlesh Yadav, R/o vill - Mailwara, P.S. - Jaleswar, Distt. - Mahotri (Nepal).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ranjeet Kumar Mishra, Advocate
For the Opposite Party	:	Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-12-2024 Heard Mr. Ranjeet Kumar Mishra, the learned counsel for the petitioners and Mr. Satya Nand Shukla, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Runni Saidpur (Garha) PS Case No. 84 of 2024, FIR dated 15.03.2024, registered for the offences punishable under Sections 302, 304(B) and 201 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, the informant came to know from the villagers that his daughter has been murdered by the co-accused persons and her dead body has been concealed. It is further alleged that upon search, the dead body



of informant's daughter was found in a wheat field.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. 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. He further submits that petitioner no. 1 is the brother-in-law of the deceased and petitioner no. 2 is the married sister-in-law of the deceased. He further submits that it is evident from the FIR itself that there is no specific allegation, rather there is general and omnibus allegation against all the co-accused persons including these petitioners. He lastly submits that the husband of the deceased namely, Guddu Kumar @ Guddu Rai is in judicial custody since 20.11.2024

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 petitioner no. 1 has one criminal antecedent other than the present one while petitioner no. 2 has clean antecedent. Apart from that, he fairly submits that petitioner no. 1 is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and mainly the facts 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 allegations against all the co-accused persons including the petitioners, 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, Sitamarhi, where the case is pending in connection with **Runni Saidpur (Garha) PS Case No. 84 of 2024**, 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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