

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62897 of 2023

Arising Out of PS. Case No.-60 Year-2023 Thana- BALIGAON District- Vaishali

1. Sangeeta Devi @ Sangeeta Kumari W/O Suresh Rai Resident Of Village - Chak Dohari, P.S. - Baligaon, District - Vaishali
2. Meena Devi Wife Of Suresh Rai Resident Of Village - Chak Dohari, P.S. - Baligaon, District - Vaishali
3. Suresh Rai Son Of Dashrath Rai Resident Of Village - Chak Dohari, P.S. - Baligaon, District - Vaishali
4. Sonu Upadhyay @ Sonu Kumar Son Of Avadh Upadhyay @ Ramesh Upadhyay Resident Of Village - Digha Majlishpur, P.S. - Baligaon, District - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nalin Kumar, Advocate
For the State	:	Mr. Harendra Prasad, APP
For the Informant	:	Mr. Shubhesh Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2024 Heard Mr. Nalin Kumar, learned counsel for the petitioners, Mr. Shubhesh Pandey, learned counsel for the informant and Mr. Harendra Prasad, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Baligaon P.S. Case No. 60 of 2023, F.I.R. dated 28.05.2023 for the offences punishable under Sections 304(B), 201 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioners along with other co-accused persons are said to have tortured the



daughter of the informant on non-fulfillment of the demand of dowry.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegations as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that petitioner no.1 is sister-in-law, petitioner no.2 is mother-in-law, petitioner no.3 is father-in-law of the deceased and petitioner no.4 is not a family member of the deceased. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act rather there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that husband of the deceased, namely, Sonu Kumar is in judicial custody since 25.09.2023.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor, on the other hand, have vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR and they have committed the crime in question.

6. Considering the aforesaid facts and circumstances,



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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Hajipur in connection with Baligaon P.S. Case No. 60 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 his absence on two consecutive dates without sufficient reason, his bail bond 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 antecedent, the court below shall take step for cancellation of bail bonds 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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