

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64671 of 2023

Arising Out of PS. Case No.-497 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

1. Ram Nandan Sah Son of Jhapas Sah R/o vill - Mustafapur, P.S. - Ahiyapur, Distt. - Muzaffarpur
2. Kaushalya Devi @ Chameli Devi W/o Ram Nandan Sah R/o vill - Mustafapur, P.S. - Ahiyapur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mrs.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 27-02-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Ahiyapur P.S. Case No. 497/2022 instituted under Sections 498(A)/306/34 of the Indian Penal Code lodged on 13.8.2022 by the informant, Sita Devi.

3. As per the prosecution story, the informant alleged that her daughter was married to Rajesh Sah but was always tortured for dowry and on the fateful day, she got information from son-in-law that she has burnt herself. The lady was rushed to the SKMCH, Muzaffarpur for treatment but succumbed to the burn injuries. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the



two petitioners are mother-in-law and father-in-law, aged persons, do not have criminal antecedents, living separately and nothing to do with the alleged incident, as it is the husband Rajesh Sah who failed to take care of the lady which resulted into the said incident.

5. Learned APP opposes the prayer stating that they are mother-in-law and father-in-law of the lady who died of burn injury.

6. Taking into account the submissions put forward by the parties as also the fact that they are parents, aged persons, the husband, Rajesh Sah is not before this Court who could have taken care of the lady, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Ahiyapur P.S. Case No. 497/2022 to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of



the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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