

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67474 of 2024

Arising Out of PS. Case No.-231 Year-2024 Thana- SAHPUR District- Bhojpur

1. Rajesh Tiwary son of Late Bhola Tiwary R/O-Village- Barishwan, P.S- Shahpur, District- Bhojpur
2. Babita Devi Wife of Rajesh Tiwary R/O-Village- Barishwan, P.S- Shahpur, District- Bhojpur
3. Champa Devi @ Santa Devi Wife of Late Bhola Tiwary R/O-Village- Barishwan, P.S- Shahpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bibhakar Tiwary, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr. Bibhakar Tiwary, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Shahpur P.S. Case No. 231 of 2024, F.I.R. dated 25.06.2024 registered for the offences punishable under Sections 304B/34 of the Indian Penal Code.

3. Allegation against the petitioners is of committing torture and caused death due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely



implicated in the present case merely on the ground that the petitioner no. 1 is the elder brother-in-law, petitioner nos. 2 is the elder sister-in-law and petitioner no. 3 is mother-in-law of the deceased. He further submits that the petitioners have no concern at all with the family affairs of the deceased or the husband of the deceased and the allegation as alleged in the F.I.R. is false and fabricated. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act or demand of dowry attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and there is no specific allegation of any assault or overt act or demand of dowry attributed against these petitioners as well as petitioner no.1 is the elder brother-in-law, petitioner no. 2 is the elder sister-in-law and petitioner no. 3 is mother-in-law 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate-I Bhojpur at Ara in connection with Shahpur P.S. Case No. 231 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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