

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67427 of 2024

Arising Out of PS. Case No.-237 Year-2024 Thana- BAIRIYA District- West Champaran

1. Chandrabhushan Rao Son of Late Madhav Rao village- Fuliyan Khaad, Ward No. 5, PS- Bairiya, District- West champaran
2. Sabita Devi wife of Chandrabhushan Rao village- Fuliyan Khaad, Ward No. 5, PS- Bairiya, District- West champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s :	Mr. Jai Narain Thakur, APP
For the Informant :	Mr. Abhishek Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2024 Heard Mr. Bimlesh Kumar Pandey, learned counsel for the petitioners, Mr. Abhishek Kumar, learned counsel appearing on behalf of the informant as well as Mr. Jai Narain Thakur, learned Additional Public Prosecutor for the State.

2. Petitioners seeks bail who are in custody since 16.07.2024 in connection with Bairiya P.S. Case No. 237 of 2024, F.I.R. dated 15.07.2024 for the offences punishable under Sections 80 and 3(5) of Bhartiya Nyaya Sanhita.

3. According to prosecution case, all the accused persons including these petitioners have murdered the sister of the informant due to non-fulfillment of demand of dowry.

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



implicated in the present case. He further submits that it appears from the F.I.R that there is no specific allegation of assault, overt act or demand of dowry against the petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that the petitioner no. 1 is the father-in-law and petitioner no. 2 is the mother-in-law of the deceased. He further submits that the husband of the deceased who happens to be the son of the petitioners is in judicial custody since 16.07.2024. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 16.07.2024.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 the learned Additional Chief Judicial Magistrate III, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 237 of 2024, subject to the 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 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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