

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78187 of 2023

Arising Out of PS. Case No.-144 Year-2020 Thana- JOGBANI District- Araria

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1. MD. RASHID @ MD. RASID SON OF MD. GULTEN RESIDENT OF AMAUNA, WARD NO. 07, P.S. JOGBANI, DISTRICT- ARARIA.
 2. MD. JUSTAM SON OF TAZMUL RESIDENT OF AMAUNA, WARD NO. 07, P.S. JOGBANI, DISTRICT- ARARIA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-01-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Jogbani P.S. Case No. 144 of 2020 for the offence under sections 304(B), 201 and 34 of the I.P.C. lodged on 13.06.2020 by the informant, Laxman Kuldip.

3. As per the prosecution story, the informant alleged that his daughter, who has solemnized interfaith marriage with Md. Hastam, but she was always tortured for dowry and later, they came to know that she has been killed. Accordingly, they reached the daughter's in-laws house and the FIR.

4. Learned counsel for the petitioners submit that the petitioner no. 1 is the maternal grandfather-in-law (nana),



petitioner no. 2 is the younger brother-in-law (devar), they do not have any role to play. Further, the husband is in custody (as stated in paragraph 8 of the petition) and the co-accused lady has been extended the privilege of anticipatory bail vide Cr. Misc. No. 66751 of 2022.

5. Learned APP opposes the prayer.

6. Taking into account the fact that the two petitioners are maternal grandfather-in-law (nana) and younger brother-in-law (devar), the husband is in custody, they do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Araria, in connection with Jogbani P.S. Case No. 144 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 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;

(iv) 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.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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