

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL MISCELLANEOUS No.78333 of 2023**

Arising Out of PS. Case No.-263 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

1. VIRU BIND @ BIRU KUMAR BIND @ ARVIND KUMAR VIND SON OF PEYARE BIND @ RAM PYARE BIND RESIDENT OF VILLAGE - SARANPUR, P.S. - DURGAWATI, DISTRICT - KAIMUR AT BHABUA
2. FULMATI KUMARI DAUGHTER OF PEYARE BIND @ RAM PYARE BIND RESIDENT OF VILLAGE - SARANPUR, P.S. - DURGAWATI, DISTRICT - KAIMUR AT BHABUA
3. USHA DEVI WIFE OF VIRU BIND @ BIRU KUMAR BIND @ ARVIND KUMAR VIND RESIDENT OF VILLAGE - SARANPUR, P.S. - DURGAWATI, DISTRICT - KAIMUR AT BHABUA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

For the Informant : Mrs. Mukul Kumari, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

**ORAL ORDER**

2      12-01-2024                      Heard Mr. Rajni Kant Pandey, learned counsel for the petitioners, Mr. Ajit Kumar, learned APP for the State as also Mrs. Mukul Kumari, learned counsel for the informant.

2. The petitioners apprehends their arrest in connection with Durgawati P.S. Case No. 263 of 2023 registered under Sections 304-B/34 of the Indian Penal Code lodged on 07.08.2023 by the informant, Upendra Singh.

3. As per the prosecution story, the informant's sister was married to one Ajay Bind 3 and ½ months ago but later got information by the petitioner no. 1 about her death, reached there and found the dead body with mark on her neck. The informant had suspicion that due to non-fulfillment of dowry,



she was killed. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that while the petitioner no.1 is brother-in-law (*bhaisur*), the other two are the sisters-in-law (*gotni* and unmarried *nanad*). Further with the help of paragraph-13, it has been stated that the husband is in custody.

5. Learned APP for the Informant submits that the marriage was solemnized just 3 and ½ months ago and the killing took place after they had demanded dowry and she as such, opposes the prayer for bail.

6. Considering the submissions put forward by the learned counsel for the parties as also that petitioner nos. 2 and 3 are lady, petitioner no. 1 is brother-in-law and they do not have criminal antecedent, this Court is inclined to grant them privilege of bail.

7. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Mohania, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 263 of 2023, subject



to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner 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 appear before the concerned police station every fortnight for next six months to mark attendance;

(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 their 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 the bail bonds.

**(Rajiv Roy, J)**

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