

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83509 of 2023

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

1. Peyare Bind @ Ram Pyare Bind Son Of Ram Bachan Bind
2. Mallo Devi Wife Of Peyare Bind @ Ram Pyare Bind.
All 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.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr.Rajani Kant Pandey,learned counsel for the petitioners and Mr.Sanjay Kumar Tiwary, learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Durgawati P.S.Case No.263 of 2023, FIR dated 07.08.2023 registered for the offences punishable under Sections 304-B/34 of the Indian Penal Code.

3. The case of the prosecution, in short, is that the sister of the informant (deceased) was married to Ajay Bind about 3½ years ago. On 06.08.2023 the brother-in-law of the deceased told to a villager of informant that his sister strangled her to death. When the informant went to see, he



found the dead body of his sister in front of the house of one Kameshwar Bind. It is alleged that the co-accused Ajay Bind and his family members committed murder of his sister for non-fulfillment of rupees 50,000/- and a motorcycle in dowry.

4. Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that the petitioners are inlaws of the deceased. Further submits from a bare perusal of the FIR it appears that the informant himself stated in the FIR that the victim has committed suicide herself and there is no specific allegation of any assault or overt-act attributed against the petitioners. In the FIR, the informant has only suspected against the petitioners and other co-accused persons and co-accused persons, namely, Viru Bind @ Biru Kumar Bind @ Arvind Kumar Vind, Fulmati Kumari and Usha Devi have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 12.01.2024 passed in Cr. Misc. No. 78333 of 2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, 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 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Mohania, Kaimur at Bhabhua in connection with Durgawati P.S. Case No.263 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 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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