

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83874 of 2023**

Arising Out of PS. Case No.-361 Year-2023 Thana- UDWANTNAGAR
District- Bhojpur

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1. KIRAN DEVI SON OF DHANJI PRASAD RESIDENT OF VILLAGE- MASARH
KE TOLA, PS- UDAWANTNAGAR, DISTT- BHOJPUR
 2. DHANJI PRASAD SON OF LATE DUDHNATH PRASAD RESIDENT OF
VILLAGE- MASARH KE TOLA, PS- UDAWANTNAGAR, DISTT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta, Adv.
For the Opposite Party/s : Mr.Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr. Shiv Prasad Gupta, learned counsel for the

petitioners and Mr. Nityanand, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Udwantnagar P.S. Case No. 361 of 2023 registered for the
offence under Sections 304(B)/34 of the Indian Penal Code.

The daughter of the informant is subjected to assault
and torture on account of non-fulfillment of demand of dowry by
the petitioner and others and she has finally been done to death
for want of dowry.

Learned counsel appearing for the petitioners submits
that the petitioners, who are of clean antecedent, are innocent
and have falsely been implicated in this case merely on the



ground that the petitioners happen to be in-laws of the deceased. He further submits that on bare perusal of the F.I.R. it appears that there is no specific allegation of assault or overt act is attributed to the petitioners rather there is general and omnibus allegation levelled against the accused persons including the petitioners. He further submits that the husband of the deceased has already been taken into custody on 28.08.2023. He further submits that it has come during the investigation in the Postmortem report that the deceased has committed suicide.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that petitioners are named in the F.I.R. and there is specific allegation against them that they have demanded dowry from the family members of the deceased.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, 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 Court below where the case is pending in connection with Udawantnagar P.S. Case No. 361 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the 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 bond shall be canceled by the Court below.

(2) 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.

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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