

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84947 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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1. Sri Avinash Sharma Son Of Late Ram Chandra Sharma Resident Of Village- Ratanpur, Ps- Haspura, Dist- Aurangabad
 2. Ramajari Devi @ Ram Pati Devi Wife Of Sri Avinash Sharma Resident Of Village- Ratanpur, Ps- Haspura, Dist- Aurangabad
 3. Bhushan Sharma @ Chandra Bushan Sharma Son Of Sri Avinash Sharma Resident Of Village- Ratanpur, Ps- Haspura, Dist- Aurangabad
 4. Neeraj Devi Daughter Of Sri Avinash Sharma Wife Of Shiv Narayan Pandey Resident Of Village- Ratanpur, Ps- Haspura, Dist- Aurangabad
 5. Shiv Narayan Pandey Son Of Late Umesh Pandey Resident Of Village- Pishai, Post- Chanda, Ps- Khudwan Distt- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Guriya Kumari Daughter Of Akhilesh Sharma Resident Of Village- Goind, Post- Ushari, Ps- Mahendiya, Dist- Arwal

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar No.1, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP
	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Mr. Mukesh Kumar No.1, learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned Additional Public Prosecutor for the State along with Mr. Manoj Kumar, learned counsel appearing on behalf of the complainant.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 46 of 2023 for the offences punishable under Sections 498A, 380, 323, 386, 420, 120(B),



504, 352 and 34 of the Indian Penal Code but the cognizance has been taken under Sections 323, 504 and 498-A of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have demanded dowry from the family members of the complainant. On non-fulfillment of the same they have ousted the daughter of the complainant from the matrimonial house.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that they are in laws of the complainant. He further submits that the allegation as alleged in the complaint petition is false and fabricated and no such occurrence has taken place. He submits that there is no specific allegation of any assault or over act attributed against the petitioners rather there is general and omnibus allegation levelled against all the accused persons including these petitioners.

5. The learned Additional Public Prosecutor along with learned counsel for the complainant has vehemently opposed the prayer for bail on the ground that the petitioners are named in the complaint petition and there is allegation against them that they have demanded dowry from the family members



of the complainant.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Arwal, Jehanabad in connection with Complaint Case No. 46 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 his absence on two consecutive dates without sufficient reason, his bail bond 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 antecedent, the court below shall take step for cancellation of bail bonds 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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