

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85700 of 2023

Arising Out of PS. Case No.-339 Year-2021 Thana- HARSIDHI District- East Champaran

1. Sanjay Thakur Son Of Late Maraie Thakur, Village- Kritpura, P.S. Baikunthpur, District- Gopalganj.
2. Chandrawati Devi Wife Of Sanjay Thakur, Village- Kritpura, P.S. Baikunthpur, District- Gopalganj.
3. Badhanti Kumar Son Of Sanjay Thakur, Village- Kritpura, P.S. Baikunthpur, District- Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Naresh Chandra Verma, Advocate
For the State	:	Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-03-2024 Heard Mr. Naresh Chandra Verma, the learned

counsel for the petitioners and Mr. Manoj Kumar, the learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Harsidhi PS Case No. 339 of 2021, FIR dated

28.08.2021, registered for the offences punishable under

Sections 498(A), 304(B) and 201 read with Section 34 of the

Indian Penal Code.

3. According to prosecution case, the daughter of the

informant was subjected to regular abuse and torture by her in-

laws due to non-fulfillment of dowry demand. It further alleged



that the informant got information that her daughter's in-laws have murdered her daughter and disposed of the dead body.

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 petitioners are in-laws of the deceased. He further submits that till date the dead body of the deceased has not been found and only on the basis of suspicion, petitioners are implicated in the present case and even the son of the petitioner nos. 1 and 2 is also missing and in this regard, the petitioners have already filed the Harsidhi PS Case No.605 of 2022. He lastly submits that till date neither the victim nor her husband, i.e., Srikant Thakur @ Nitesh Kumar has been found by the police.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that upon perusal of the FIR it appears that there is specific allegation against these petitioners that they have demanded dowry from the victim, but fairly admits that there is no specific allegation of any assault or overt act attributed against the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and



merely on the basis of suspicion they are implicated in the present case, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran, where the case is pending in connection with **Harsidhi PS Case No. 339 of 2021**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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