

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3434 of 2024

Arising Out of PS. Case No.-985 Year-2021 Thana- SITAMARHI District- Sitamarhi

-
1. Raja Kumar Son of Bindeshwar Das, Resident of Village- Lohiyanagar, Ward No. 22, Police Station- Sitamarhi, District- Sitamarhi.
 2. Bindeshwar Das Son of Late Bhulan Das, Resident of Village- Lohiyanagar, Ward No. 22, Police Station- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Madhubala Verma, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Ms. Madhubala Verma, the learned counsel

for the petitioners and Mr. Bhanu Pratap Singh, the learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Sitamarhi PS Case No. 985 of 2021, FIR dated
08.12.2021, registered for the offence punishable under Section
302 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the sister of the
informant was tortured due to non-fulfillment of dowry demand
by her in-laws. It is further alleged that the mother of the
informant was informed telephonically that her daughter has
been murdered by her in-laws and when the informant and his
family members reached at the *sasural* of his sister, they found
her dead body with a black sign over her neck.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case mainly on the ground that the petitioners are brother-in-law and father-in-law of the deceased. He further submits that the co-accused persons who have faced the trial in Sessions Trial No. 109 of 2022 in which all the witnesses have turned hostile and both were acquitted from the learned trial Court. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against these petitioners, rather there is general and omnibus allegations against all the accused persons.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and there is no specific allegation of any assault or overt act attributed against them, let the petitioners, above named, in the event of their arrest or surrender before the Court below, 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 learned Chief Judicial Magistrate, Sitamarhi, where the case is pending in connection with

Sitamarhi PS Case No. 985 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 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 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)

Shahnawaz/-

U		T	
---	--	---	--