

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3321 of 2024

Arising Out of PS. Case No.-478 Year-2023 Thana- JOKIHAT District- Araria

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1. KARI DEVI WIFE OF BILTU TATMA RESIDENT OF VILLAGE - FULPUR WARD NO.12, POLICE STATION - MAHALGAON (JOKIHAT), DISTRICT - ARARIA
 2. SUDAMA TATMA @ GULHA SON OF BILTU TATMA RESIDENT OF VILLAGE - FULPUR WARD NO.12, POLICE STATION - MAHALGAON (JOKIHAT), DISTRICT - ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Jokihat
Police Station Case No. 478 of 2023 registered for the offences
punishable under Sections 304(B)/34 of the Indian Penal Code.

As per prosecution case, petitioners and others are
said to have committed murder of informant's daughter by
strangulating her due to non fulfilment of demand of dowry.

Learned counsel for the petitioners submits that
petitioners are innocent and have committed no offence as
alleged in the FIR. Petitioner no. 1 is mother in law and
petitioner no. 2 is brother in law of the deceased and they have



falsely been implicated in this case. Petitioners are residing separately and they have no say in family affairs of the deceased. It is further submitted that the informant is not an eyewitness of the alleged occurrence. Petitioners are in custody since 14.10.2023. Chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioners bear no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, petitioners have no say in the family affairs of the deceased, in the argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial magistrate Araria in connection with Jokihat Police Station Case No. 478 of 2023, subject to the following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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