

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6570 of 2024

Arising Out of PS. Case No.-1082 Year-2023 Thana- ARARIA District- Araria

1. Md. Kalam son of Late Illiyas R/o vill- Islamnagar Ward No.27 PS-Araria Dist- Araria.
2. Md Salam Md Maisul @ Md Mahfuj R/o vill- Islamnagar Ward No.27 PS-Araria Dist- Araria.
3. Md Pappu @ Md Naushad Md Maisul @ Md Mahfuj R/o vill- Islamnagar Ward No.27 PS-Araria Dist- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mr. Ramesh Kumar Singh, the learned counsel
for the petitioners and Mr. Arun Kumar Pandey, the learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Araria PS Case No. 1082 of 2023, FIR dated
09.11.2023, registered for the offence punishable under Section
304(B) read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the in-laws of the
informant's sister were demanding dowry from informant and
threatened that, if the same is not fulfilled, they would kill his
sister. It is further alleged that informant came to know from
neighbours that his sister has been killed and when he rushed to



her matrimonial home, he found the dead body of his sister in injured condition.

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 maternal uncles of the husband of the deceased. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault, overt act or demand of dowry is attributed against these petitioners, rather there is general and specific allegation against all the accused persons including the petitioners. He lastly submits that the husband of the deceased namely, Md. Nahid is in judicial custody since 10.11.2023.

5. The learned Additional Public Prosecutor for the State on the other hand 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, overt act or demand of dowry is attributed against them, 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,



Araria, where the case is pending in connection with **Araria PS Case No. 1082 of 2023**, 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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