

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3517 of 2025

Arising Out of PS. Case No.-398 Year-2024 Thana- BIKRAM District- Patna

1. Shobha Devi @ Malti Devi Wife of Late Rajendra Yadav Resident of Shahjahanpur, P.S.- Bikram, Distt.- Patna
2. Vijendra Yadav Son of Late Rajendra Yadav Resident of Shahjahanpur, P.S.- Bikram, Distt.- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-02-2025 Heard Mr. Akhauri Kamal Kishore Sahay, the learned counsel for the petitioners and Mr. Rabindra Kumar, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bikram PS Case No. 398 of 2024, FIR dated 20.09.2024, registered for the offences punishable under Sections 80(2) and 3(5) of the B.N.S.

3. According to the prosecution case, informant received information that his daughter has been killed by her in-laws, who used to torture her over non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners submits that



petitioners have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that petitioners have no concern at all with the family affairs of the deceased and husband of the deceased, who happens to be the son of petitioner no. 1, is in judicial custody. He lastly submits that informant is not the eyewitness to the alleged occurrence and merely on the basis of suspicion, the petitioners have falsely been implicated in the present case.

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 although petitioner no. 1 has clean antecedent, but petitioner no. 2 carries one criminal antecedent other than the present, but he fairly submits that petitioner no. 2 is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and mainly the facts that there is no specific allegation of any assault or overt act or demand of dowry attributed against the petitioners and merely on the basis of suspicion they have been implicated in the present case and husband of the deceased is in judicial custody, let the petitioners, above-named, in the event of



their arrest or surrender before the learned 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 Additional Chief Judicial Magistrate-VI, Danapur, Patna, where the case is pending in connection with **Bikram PS Case No. 398 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned 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 learned 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 learned 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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