

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5054 of 2025

Arising Out of PS. Case No.-289 Year-2024 Thana- SHEOHAR District- Sheohar

1. Kailash Rai Son of Late Ramchalitar Rai Resident of Vill- Kasturiya, P.S.- Tariyani, District- Sheohar
2. Maina Devi @ Naina Devi Wife of Kailash Rai Resident of Vill- Kasturiya, P.S.- Tariyani, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-02-2025 Heard Mr. Uday Kumar, learned counsel for the petitioners and Mr. Bharat Lal, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sheohar P.S. Case No. 289 of 2024, F.I.R. dated 10.10.2024 for the offences punishable under Sections 80(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, daughter of the informant was subjected to physical harassment due to non-fulfillment of demand of dowry. Thereafter, informant's daughter along with her husband started living in the house of the informant. It is further alleged that the husband of the informant's daughter started torturing her to fulfill his demand and also threatened to kill her. On 05.10.2024, the body of the



informant's daughter was found hanging from the fan.

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 in-laws of the deceased. He further submits that it appears from the F.I.R itself that the deceased died in her paternal house where she was living along with her husband and the dead body of the deceased was found hanging from the fan in the room of the informant and as such there is no role of these petitioners in the present occurrence. He further submits that the petitioners are living separately from the deceased and her family members.

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

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, they are in-laws of the deceased and the deceased died in her paternal house, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on 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, Sheohar in connection with Sheohar P.S.



Case No. 289 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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)

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