

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26078 of 2025

Arising Out of PS. Case No.-29 Year-2024 Thana- JHAROKHAR District- East Champaran

1. Chhotelal Sah Son of Late Sri Narayan Sah Resident of village - Tonwa, P.S.- Jharokhar, District - East Champaran
2. Lalita Devi Wife of Chhotelal Sah Resident of village - Tonwa, P.S.- Jharokhar, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-06-2025 Heard Mr. Abhishek Kumar, learned counsel for the petitioners as well as Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Jharokhar P.S. Case No. 29 of 2024, FIR dated 27.10.2024 for the offences punishable under Sections 80, 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, the petitioners along with other co-accused persons have tortured and killed the daughter of the informant due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case only on the ground that the



petitioners are in-laws of the deceased. He further submits that from perusal of the F.I.R it appears that informant is not an eye witness of the alleged occurrence and he has filed the present case on the basis of suspicion. It also appears that there is no specific allegation of any assault or overt act or demand of dowry against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. It is also submitted that the husband of the deceased, namely, Prabhu Kumar Sah, who happens to be the son of the petitioners is already in judicial custody.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is no specific allegation of assault or overt act against the petitioners and husband of the deceased who happens to be the son of the petitioner is already in judicial custody, 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 Additional Chief Judicial



Magistrate-III, Sikrahana at Dhaka, East Champaran in connection with Jharokhar P.S. Case No. 29 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 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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