

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66745 of 2024

Arising Out of PS. Case No.-136 Year-2019 Thana- BELDOUR District- Khagaria

1. Brahamdeo Sada Son of Late Saryug Sada Resident of Village - Malivishanpur, P.S. - Beldaur, District - Khagaria
2. Chandan Kumari Daughter of Arjun Sada Resident of Village - Malivishanpur, P.S. - Beldaur, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-04-2025 Heard Mr. Amar Kumar Singh, learned counsel for the petitioners and mr. Rajiv Nayan, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Beldaur P.S. Case No. 136 of 2019, F.I.R. dated 13.07.2019 registered for the offences punishable under Sections 304(B), 201/34 of the Indian Penal Code.

3. Allegation against the petitioners is of committing torture and caused death due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it



appears from the F.I.R. itself that the informant is not an eye witness of the alleged occurrence and petitioners have been made accused merely on the ground that the petitioners are family members of the deceased and apart from that after investigation police submitted final form in favour of the petitioners but the learned Court below differing from the same took cognizance against the petitioners on 10.03.2021 under Sections 304(B), 201/34 of the Indian Penal Code. He further submits that co-accused person namely Prithvichand Sada has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 20.02.2020 passed in Cr. Misc. No. 86255 of 2019.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and the police after investigation submitted final form in favour of the petitioners and the learned Court below took cognizance against the petitioners as well as other co-accused person has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Khagaria in connection with Beldaur P.S. Case No. 136 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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)

Ibrar//-

U		T	
---	--	---	--

