

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67782 of 2024

Arising Out of PS. Case No.-426 Year-2024 Thana- BASANTPUR District- Siwan

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1. Hari Kishor Rai S/o- Jatan Rai Village- Nabiganj, P.S. Basantpur, Lakri Nabiganj O.P., District- Siwan
 2. Kalawati Devi Wife of Hari Kishor Rai Village- Nabiganj, P.S. Basantpur, Lakri Nabiganj O.P., District- Siwan
 3. Manish Kumar Yadav @ Manish Kumar Son of Hari Kishor Rai Village- Nabiganj, P.S. Basantpur, Lakri Nabiganj O.P., District- Siwan
 4. Amit Kumar Son of Hari Kishor Rai Village- Nabiganj, P.S. Basantpur, Lakri Nabiganj O.P., District- Siwan

... .. Petitioners

Versus

1. The State of Bihar.
2. Amrita Kumari, daughter of Kishundeo Yadav R/O village - Risoara, P.S. maharajganj, Distt. Siwan

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2025 Heard the learned counsel for the petitioners, the learned counsel appearing on behalf of the informant and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Basantpur (Lakri Nabiganj O.P.) PS Case No. 426 of 2024, FIR dated 30.06.2024, registered for the offences punishable under Sections 341, 323, 498(A) and 504 read with Section 34 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act.



3. According to the prosecution case, the informant was the subjected to torture and abuse by her in-laws over non-fulfillment of dowry demand and she was also ousted from her matrimonial home and when she again came back to her matrimonial home she was again subjected to torture and abuse.

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 petitioners are in-laws of the informant. He further submits that petitioner no. 1 is father-in-law, petitioner no. 2 is mother-in-law, petitioner nos. 3 and 4 are brothers-in-law of the informant. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act or demand of dowry attributed against the petitioners, rather there is general and omnibus allegation against all the petitioners.

5. The learned counsel for the informant as well as 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 mainly the facts that petitioners have clean antecedent and there is no specific allegation of any assault or overt act or



demand of dowry attributed against the petitioners, 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 Sub-Divisional Judicial Magistrate, Siwan, where the case is pending in connection with **Basantpur (Lakri Nabiganj O.P.) PS Case No. 426 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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