

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73967 of 2024

Arising Out of PS. Case No.-114 Year-2024 Thana- BIDUPUR District- Vaishali

1. Sumitra Devi W/o - Hare Kishun Rai Resident of Village- Gokhulpur, P.S.- Bidupur, Distt.- Vaishali
2. Hare Kishun Rai Son of Late Brijnandan Rai Resident of Village- Gokhulpur, P.S.- Bidupur, Distt.- Vaishali
3. Kali Rai Son of Hare Kishun Rai Resident of Village- Gokhulpur, P.S.- Bidupur, Distt.- Vaishali
4. Vilash Rai @ Vikash Rai Son of Hare Kishun Rai Resident of Village- Gokhulpur, P.S.- Bidupur, Distt.- Vaishali
5. Sarvan Rai Son of Hare Kishun Rai Resident of Village- Gokhulpur, P.S.- Bidupur, Distt.- Vaishali
6. Rakesh Rai Son of Hare Kishun Rai Resident of Village- Gokhulpur, P.S.- Bidupur, Distt.- Vaishali
7. Sanju Devi Wife of Mukesh Rai Resident of Village- Gokhulpur, P.S.- Bidupur, Distt.- Vaishali
8. Anjali Devi Wife of Rakesh RAi Resident of Village- Gokhulpur, P.S.- Bidupur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr. Rudal Singh, learned counsel for the

petitioners and Mr. Binod Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with G.R. No. 1044/24 arising out of Bidupur P.S.
Case No. 114 of 2024, F.I.R. dated 11.03.2024 for the offences



punishable under Sections 304(B)/34 of the Indian Penal Code.

3. According to prosecution case, allegation against the petitioners and other co-accused persons is of committing torture upon the victim due to non-fulfillment of the demand of dowry. It is further alleged that all the accused persons into the room of the victim and assaulted her and also pressed her neck due to which she died.

4. Learned counsel for the petitioner 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 from a bare perusal of the FIR it appears that informant is not the eye witness of the alleged occurrence and apart from that there is no specific allegation against the petitioners rather there is general and omnibus allegation attributed against all the co-accused persons including these petitioners. He further submits that the husband of the deceased, namely, Durga Ray has surrendered before the learned Court below on 26.06.2024 and since then he is in judicial custody.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts and circumstances, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Hajipur at Vaishali in connection with G.R. No. 1044/24 arising out of Bidupur P.S. Case No. 114 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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