

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70398 of 2023

Arising Out of PS. Case No.-436 Year-2023 Thana- BAGHA District- West Champaran

Nisha Kumari @ Nisha Kmari Daughter of Chandeshwar Prasad Soni
Resident of village - Bankatwa Ward No.- 21, Police Station - Bagaha,
District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69438 of 2023

Arising Out of PS. Case No.-436 Year-2023 Thana- BAGHA District- West Champaran

1. Shikha Devi Daughter Of Chandeshwar Prasad Soni And Wife Of Rajeev Kumar Resident Of Village - Sonarpatti Gali, Ward No.08, Christian Quarter, Bettiah, Police Station - Bettiah Town, District - West Champaran
2. Rajeev Kumar Son Of Madan Lal Gupta Resident Of Village - Sonarpatti Gali, Ward No.08, Christian Quarter, Bettiah, Police Station - Bettiah Town, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70600 of 2023

Arising Out of PS. Case No.-436 Year-2023 Thana- BAGHA District- West Champaran

1. Babita Devi @ Sabita Devi W/o Chandeshwar Prasad Soni @ Chandrashekhar Prasad R/o vill - Bankatwa, ward no. 21, P.S. - Bagaha, Distt. - West Champaran
2. Akash Kumar Soni @ Akash Kumar Son of Chandeshwar Prasad Soni @ Chandeshwar Prasad R/o vill - Bankatwa, ward no. 21, P.S. - Bagaha, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :



(In CRIMINAL MISCELLANEOUS No. 70398 of 2023)

For the Petitioner/s : Mr. Prithvi Nath Mishra, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP
For the Informant : Mr. Pratik Kumar, Advocate
Mr. Sanjay Kumar Tiwari, Advocate

(In CRIMINAL MISCELLANEOUS No. 69438 of 2023)

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

(In CRIMINAL MISCELLANEOUS No. 70600 of 2023)

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-07-2025 Heard Mr. Prithvi Nath Mishra (Cr. Misc. No. 70398 of 2023) Mr. Brij Kishor Mishra (Cr. Misc. No. 69438 of 2023 and Cr. Misc. No. 70600 of 2023), learned counsel for the petitioners, Mr. Pratik Kumar (Cr. Misc. No. 70398 of 2023) learned counsel appearing on behalf of the informant as well as Mr. Bhanu Pratp Singh (Cr. Misc. No. 70398 of 2023), Mr. Satyendra Prasad (Cr. Misc. No. 69438 of 2023 and Cr. Misc. No. 70600 of 2023) learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bagaha P.S. Case No. 436 of 2023, F.I.R. dated 19.06.2023 for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have killed the sister 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 merely on the ground that they are in-laws of the deceased. It further appears from the F.I.R that the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion the informant has falsely implicated these petitioners in the present case. From perusal of the F.I.R it appears that although the petitioners are named in the F.I.R but there is no allegation of assault or demand of dowry against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. They further submits that the petitioner, namely, Nisha Kumari is the sister-in-law, petitioner, namely, Shikha Devi (Nanad) is married sister-in-law, petitioner, namely, Rajeev Kumar is brother-in-law (Nandosi), petitioner, namely, Babita Devi is mother-in-law and petitioner, namely, Akash Kumar Soni is brother-in-law (Devar) of the deceased. Apart from that the husband of the deceased, namely, Vikash Kumar Soni who happens to be the son of Babita Devi is in judicial custody since 20.06.2023.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have



vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is no allegation of assault or demand of dowry against these petitioners and the husband of the deceased is rotting in jail since 20.06.2023, 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 1st, Bagaha, West Champaran in connection with Bagaha P.S. Case No. 436 of 2023, 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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