

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73968 of 2024

Arising Out of PS. Case No.-126 Year-2024 Thana- KUDHNI District- Muzaffarpur

1. Usha Devi W/o- Rajeshwar Sahani Resident of Village- Bachuman, PS. Kudhani, District- Muzaffarpur
2. Rajeshwar Sahani S/o- Late Singeshwar Sahani Resident of Village- Bachuman, PS. Kudhani, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No. II, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2025 Heard Mr. Rajeev Ranjan No. II, learned counsel
for the petitioners and Mrs. Rina Sinha, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kudhani P.S. Case No. 126 of 2024, F.I.R. dated 23.05.2024 for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have 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. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the date of occurrence is 26.07.2023 and thereafter the informant/complainant has participated in the Panchayat proceedings on the same day i.e. on 26.07.2023 and after that on 12.12.2023 he has filed the complaint petition which was converted into F.I.R. on 23.05.2024. He further submits that from perusal of the complaint petition/F.I.R. it appears that the complainant/informant is not the eye witness of the alleged occurrence and it is also evident from the complaint petition/F.I.R. there is no specific allegation or demand of dowry against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that the husband of the deceased who also happens to be the son of these petitioners is in judicial custody since 29.11.2024.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, 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-1, West, Muzaffarpur in connection with Kudhani P.S. Case No. 126 of 2024, 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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