

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82998 of 2024

Arising Out of PS. Case No.-365 Year-2024 Thana- GOPALPUR District- Patna

1. Ramji Prasad Gupta S/O Late Ram Prasad Saw Resident of flat no.- A/604, Chhatrapati Shivaji Apatment, Jaganpura ,P.O- Mithanchak, P.S- Gopalpur, District- Patna.
2. Meera Devi W/O Ramji Prasad Gupta Resident of flat no.- A/604, Chhatrapati Shivaji Apatment, Jaganpura ,P.O- Mithanchak, P.S- Gopalpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Ambastha, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-04-2025 Heard Mr. Manoj Kumar Ambastha, learned counsel for the petitioners as well as learned counsel for the informant and Mr. Mithlesh Kumar Khare, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Gopalpur P.S. Case No. 365 of 2024, F.I.R. dated 01.09.2024 for the offences punishable under Sections 80 of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, the petitioners along with their son demanded dowry from the deceased and on non-fulfillment of the same, the deceased was tortured and threatened to be killed.



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 mother-in-law and father-in-law of the deceased. He further submits that it appears from the F.I.R. that the informant is not the eye witness of the alleged occurrence and in fact, the petitioners were living with the deceased family but on 23.08.2024 both the petitioners have gone to Kolkata for their medical examination and the petitioners have annexed their prescription of the said doctor as well as medical report which suggest that the petitioners were in Kolkata. Apart from that it has come during investigation that the guard of the apartment in question and some local people stated that the petitioners were not present at the date of occurrence and the son of the petitioners, who happens to be the husband of the deceased is in judicial custody since 01.09.2024.

5. The learned Additional Public Prosecutor as well as informant has vehemently opposed the prayer for bail of the petitioners and submits that from the perusal of the postmortem report, it appears that the victim has been murdered by the accused persons and number of ante-mortem injuries were found on the body of the deceased person. Apart from that the



learned counsel for the informant submits that the petitioners might have come back on the alleged date of occurrence and after coming committed the alleged crime they returned to Kolkata.

6. Considering the aforesaid facts, petitioners have clean antecedent, the informant is not the eye witness of the alleged occurrence, number of witnesses have stated that the petitioners were not there on the date of occurrence, apart from that the petitioners have annexed the medical documents which suggest that the petitioners were not present at the place of occurrence and the husband of the deceased, who happens to be the son of the petitioners, is in custody, 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, XI, Patna, in connection with Gopalpur P.S. Case No. 365 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 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 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 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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