

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89720 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- THARTHARI District- Nalanda

1. Khusboo Kumari W/O Ramesh Kumar R/O -Village- Jamuara, P.S- Chiksaura, Dist.- Nalanda.
2. Ramesh Kumar S/O Yugal Yadav @ Brahil R/O -Village- Jamuara, P.S- Chiksaura, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2025 Heard Mr. Anil Kumar Singh, learned counsel for the petitioners and Dr. Indihar Kumari, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Tharthari P.S. Case No. 70 of 2024, F.I.R. dated 06.06.2024 for the offences punishable under Sections 302, 328/34 of the Indian Penal Code.

3. According to prosecution case, the petitioners along with other co-accused persons in conspiracy killed his daughter (now, deceased) by poisoning, reason being 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. It appears from the FIR that the



informant is not the eye witness of the alleged occurrence and petitioner no.1 is married sister-in-law and petitioner no.2 is brother-in-law of the deceased and from bare perusal of the FIR it appears that there is no specific allegation of assault or overt-act or demand of dowry against the petitioners rather the allegation levelled against the accused persons is general and omnibus including the petitioners and apart from that the informant has filed a petition before the learned Court of S.D.J.M, Hilsa, Nalanda, stating therein that petitioners are not involved in the present occurrence.

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

6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and they are in-laws of the deceased and there is no specific allegation against the petitioners, 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-I, Hilsa, Nalanda in connection with Tharthari P.S. Case No. 70 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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