

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85420 of 2024

Arising Out of PS. Case No.-126 Year-2022 Thana- KEWATI District- Darbhanga

1. Abdur Rahman @ Md. Rahman Son of Late Abdur Subhan @ Abdul Subhan Resident of Village - Barhi, Tola - Uttarwari, P.S. - Keoti, District - Darbhanga
2. Saleha Khatoon Wife of Abdur Rahman @ Md. Rahman Resident of Village - Barhi, Tola - Uttarwari, P.S. - Keoti, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate
For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-02-2025 Heard Mr. Manish Kumar No.13, learned counsel
for the petitioners and Mrs. Madhuri Lata, learned APP for the
State.

2. The petitioners are apprehending their arrest in connection with Keoti P.S. Case No. 126 of 2022, F.I.R. dated 05.05.2022 for the offences punishable under Sections 304(B) of the Indian Penal Code.

3. According to prosecution case, allegation against the petitioners and other co-accused persons are of committing the murder of the daughter of the informant due to non-fulfillment of the 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 FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR in fact the petitioner does not reside with the family members of the deceased. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or over act or demand of dowry attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and apart from that present FIR instituted on 05.05.2022 and before filing of the present FIR inquest report was prepared and post-mortem report was also conducted on 03.05.2022 itself. He further submits that co-accused person, namely, Rahmati Begam @ Rahmat Khatoon has already been granted the privilege of anticipatory bail by this Court vide order dated 04.10.2023 passed in Cr. Misc. No. 10287 of 2023.

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

6. Considering the aforesaid facts that the petitioners



have clean antecedent, there is no specific allegation of any assault or over act or demand of dowry against the petitioners, the present FIR instituted after the preparation of inquest report and after the conduct of post-mortem report and similarly situated other co-accused person has been granted the privilege of anticipatory bail by this Court, 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Darbhanga in connection with Keoti P.S. Case No. 126 of 2022 corresponding to G.R. No. 1199 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 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 his absence on two consecutive dates without sufficient reason, his 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 bonds 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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