

Nirmal Das vs The State Of Bihar on 22 January, 2025

Author: Rajesh Kumar Verma

Bench: Rajesh Kumar Verma

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67920 of 2024
Arising Out of PS. Case No.-101 Year-2024 Thana- MUSRIGHRARI District-
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1. Nirmal Das Son of Mr. Rampukar Das, R/O Lat Basepura, P.S.-
Musrigharari, Dist.- Samastipur.

2. Sushila Devi Wife of Mr. Nirmal Das, R/o Lat Basepur, P.S.- Musrigharar
Dist.- Samastipur.

... ..

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate
Mr. Ritwik Thakur, Advocate

For the State : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2025

Heard Mr. Ajay Kumar Thakur, the learned counsel for the petitioners, the learned counsel appearing on behalf of informant and Mr. Pranav Kumar, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Musrigharari PS Case No. 101 of 2024, FIR dated 14.07.2024, registered for the offences punishable under Sections 80 and 3(5) of the Bhartiya Nyaya Sanhita and under Section 3/4 of the Dowry Prohibition Act.

3. According to the prosecution case, the daughter of informant was subjected to regular torture and abuse by her in- laws over non-fulfillment of dowry demand and she also Patna High Court CR. MISC. No.67920 of 2024(3) dt.22-01-2025 informed him that she suspects that her life is in danger. It is further alleged that the villagers informed the informant that his daughter has been 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 petitioners are father-in-law and mother-in-law of the deceased. He further submits that it is evident from the FIR itself that

there is no specific allegation of any assault or overt act or demand of dowry against the petitioners, rather there is general and omnibus allegation against all the co-accused persons including the petitioners. He lastly submits that the husband of the deceased, who happens to be the son of the petitioners is in judicial custody since 29.08.2024.

5. The learned counsel for the informant as well the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits while referring to the paragraph nos. 4, 5 and 6 of the case diary that number of witnesses have supported the case of the prosecution and he further submits that it has also come during investigation that number of anti-mortem injuries were found on the person of deceased, but he fairly submits in Patna High Court CR. MISC. No.67920 of 2024(3) dt.22-01-2025 light of paragraph no. 128 of the case diary that in presence of police, the door of the room was broken and dead body of the deceased was found.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent and there is no specific allegation of any assault or overt act or demand of dowry against the petitioners, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Chief Judicial Magistrate, Samastipur, where the case is pending in connection with Musrigharari PS Case No. 101 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall Patna High Court CR. MISC. No.67920 of 2024(3) dt.22-01-2025 be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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) Shahnawaz/-

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