

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21202 of 2015

Arising Out of PS.Case No. -117 Year- 2014 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

1. Sanjai Sah @ Sanjai Kumar Sah
2. Mundesh Sah @ Munjesh Sah
Both S/o Late Jawahar Lal Sah Resident of Village Saidpur Kutubpur, P.S.
Bidupur, District Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate.

For the Opposite Party/s : Mr. Hirday Prasad Singh (App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 19-08-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 291 and 302/34 of the Indian Penal Code as against the petitioners, who are Bhaisur and Devar (brothers-in-law of the victim lady) and that the allegation against them of putting the victim lady on fire does not get support from the investigation made by the police and particularly the conduct of the husband of the victim lady who despite identifying the petitioners as accused of burning his wife, has disposed of the dead body without filing of the FIR and getting postmortem of the dead body done, this Court would be inclined to grant privilege of anticipatory bail to the petitioner.

That being so, if the petitioners, namely, Sanjai Sah @ Sanjai Kumar Sah and Mundesh Sah @ Munjesh Sah surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- each with two

sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali in connection with Bidupur P.S. Case No. 117 of 2014; subject to the following conditions:

(i) That both the bailors will be close family relatives of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the addresses of the petitioners.

(ii) That the affidavit shall clearly state that the petitioners are not accused in any other case and if they are, they shall not be released on bail.

(iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of their bail on the ground of misuse.

(iv) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

U			
---	--	--	--