

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49869 of 2015

Arising Out of PS.Case No. -35 Year- 2014 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Ramashankar Mukhiya Son of Chandradeo Mukhiya Resident of Village - Bheriharwa, P.S.- Nautan, District -West Champaran
 2. Sanjay Mukhiya Son of Rama Mukhiya
 3. Gyanti Devi Wife of Sanjay Mukhiya 2 & 3 are Resident of Village - Lakshmipur, P.S.- Nautan, District - West Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.50590 of 2015

Arising Out of PS.Case No. -35 Year- 2014 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Bharat Mukhiya son of Naga Mukhiya
 2. Meera Devi @ Babita Devi wife of Shri Bharat Mukhiya Both are residents of village - Rani Pakari, Police Station - Bettiah Muffasil, District - West Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

(In Cr.Misc. No.49869 of 2015)

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Kalyan Shankar (App)

(In Cr.Misc. No.50590 of 2015)

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mrs. Rita Verma (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 09-11-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under section 304B/34 of the Indian Penal Code and that in Cr.Misc.No. 49869/2015 petitioner no.1 is the brother-in-law (Shala) of the brother of the husband, petitioner no.2 is the brother-in-law,



petitioner no.3 is the sister of the husband and in Cr.Misc. No. 50590/2015 petitioner no.1 is the brother-in-law and petitioner no.2 is the Gotani (sister-in-law) of the husband, this Court by taking into account that even the police had not found involvement of any of the petitioners and in fact had submitted final form, whereafter cognizance has been taken against them by the learned Magistrate differing with the police report and also that the petitioners have got no criminal antecedent, they would be entitled for grant of privilege of anticipatory bail to them.

That being so, if the petitioners, namely, 1. Ramashankar Mukhiya, 2. Sanjay Mukhiya, 3. Gyanti Devi, 4. Bharat Mukhiya and 5. Meera Devi @ Babita Devi, 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/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri A.K.Tripathi, Addl. Chief Judicial Magistrate, cum Sub Judge VI, Bettiah, West Champaran in Trial No. 10/2015, arising out of Bettiah Mufassil P.S.Case No. 35/2014, subject to the following conditions:

- (i) That both the bailors will be a close relative of the petitioners who will give 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 address of the petitioners.

(ii) That the bailor shall also state on affidavit that he 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 bail on the ground of misuse.

(iii) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioners will be well represented on each and every date 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.

surendra/-

(Mihir Kumar Jha, J)

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