

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41628 of 2014

Arising Out of PS.Case No. -151 Year- 2014 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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1. Sk. Abbas Son of S.K. Hashim
2. Jayad @ Zahid Alam Son of S.K. Abbas Both Resident of Village -
Khadda Churiharwa Tola, P.S.- Nautan, District-West Champaran
..... Petitioners

Versus

The State of Bihar

..... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Khatim Reza

For the Opposite Party/s : Mr. Sanjay Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 21-01-2015 Heard learned counsel for the parties.

Having regard to the nature of allegations for offence under sections 341, 307, 498A of the Indian Penal Code in which section 304B/34 of the Indian Penal Code has been added later on after the death of the deceased, this Court in keeping with the nature of allegation in the F.I.R. even if it would treat the allegation under section 302 I.P.C. on account of husband being not made accused and the father-in-law and the mother-in-law in all probability are not likely to ask for maintenance from the daughter-in-law, the fact that after recording of such F.I.R. of informant containing direct allegation against petitioner no.2 to have caused fire injuries by igniting the match stick on her person while others including her sister-in-law had allegedly poured



kerosene oil and that she had later on succumbed to such injuries caused due to fire and thus giving the F.I.R. of deceased a semblance of her dying declaration this Court would find it difficult to grant regular bail to petitioner no.2 and therefore, his prayer for regular bail is rejected at this stage.

The allegation against petitioner no.1 even if taken on its face value who is the father-in-law of the deceased will however entitle him to get regular bail. As such, the prayer for bail of petitioner no.1 is allowed and he (Sk. Abbas) is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri N.P.Singh, Judicial Magistrate, Bettiah, West Champaran in Nautan P.S.Case No. 151/2014, subject to the following conditions:

(i) That both the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his

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 petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

surendra/-

(Mihir Kumar Jha, J)

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