

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51646 of 2015

Arising Out of PS.Case No. -43 Year- 2015 Thana -UPHARA District- AURANGABAD

1. Chandan Kumar S/o Bishnu Pad Mehta
2. Baleshwar Mehta @ Baleshar Mehta S/o Bishnu Pad Mehta Both R/o Village - Sankardih, P.S. - Uphara, District - Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.51668 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- AURANGABAD

1. Shambhu Mehta S/o Bishnupat Mehta R/o village- Shankardih, P.S.- Uphara Dstrict- Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.51646 of 2015)

For the Petitioner/s : Mr. Lal Bahadur Singh

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

(In Cr.Misc. No.51668 of 2015)

For the Petitioner/s : Mr. Lal Bahadur Singh

For the Opposite Party/s : Mr. Smt. Anita Kumari (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 11-02-2016 Both the Criminal Miscellaneous are of the same occurrence and as such have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 302 and 201/34 of the I.P.C

Rinku Devi, the daughter of the informant, was married to Shambhu Mehta in the year 2006 and out of the wedlock there is five years aged daughter and three years aged son. Allegedly, due to non fulfillment of demand of cash she was being assaulted, on 23.05.2015 the informant got information that his daughter died and then went to her in-laws house and came to know that she was killed by them and her dead body was also cremated.

Submission is of false implication and that there was cordial relation between the petitioner Shambhu Mehta and his wife, other petitioners Chandan Kumar and Baleshwar Mehta @ Baleshar Mehta are living separately, wife of the petitioner Shambhu Mehta died due to diarrhea and this fact has come during investigation in the statement of the witnesses vide paragraphs- 15, 16, 17, 18, 19 and 20 of the case diary and thereafter after giving information to the informant and in presence of Naihar people of the deceased the dead body was cremated, other co-accused have been allowed pre-arrest bail by another coordinate Bench of this Court vide Cr. Misc. No. 50910 of 2015 and as such the petitioners also deserve sympathetic consideration, to which

the learned A.P.P. submits that some of the witnesses, as stated above, have not supported the prosecution version but the informant and his family members have supported the prosecution case.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioners are directed to 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 S.D.J.M. Daudnagar, Aurangabad (Bihar) in Upahara P.S. Case No. 43 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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