

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7461 of 2016

Arising Out of PS.Case No. -576 Year- 2015 Thana -KANTI District- MUZAFFARPUR

1. Rekha Devi W/o Parmanand Rai

2. Permanand Rai S/o Babulal Rai

Both are resident of Village- Dih Pakohi, P.S. Karja, District Muzaffarpur
But as per Column 7 of the F.I.R.

Both are resident of Village Chainpur P.S. Kanti, District Muzaffarpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sanjay Kumar @ S.K., Advocate

For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 12-04-2016 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences
alleged under Sections 326, 307, 504 and 34 of the Indian Penal
Code and later on Section 302 of the IPC was also added registered
in connection with Kanti P.S. Case No. 576 of 2015.

3. It is submitted that the petitioners have been falsely
implicated merely because petitioner no. 1 happens to be the sister
of the husband of the deceased and petitioner no. 2 is the husband
of petitioner no. 1. It is further submitted that the petitioners are
living separately and have no concern with the day-to-day affairs of
the immediate family members of the deceased. It has further been
submitted that even according to the FIR, there is no whisper of

any overt act on the part of petitioner no.2, whereas the accusation against petitioner no. 1 is improbable. The thrust of accusation is against Rakesh Mahto husband of the deceased.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate (West), Muzaffarpur in connection with Kanti P.S. Case No. 576 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:-

(i) Petitioner No. 1 will be well represented on each and every date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled by the Court concerned.

(ii) Petitioner No. 2 shall remain physically present on each and every date during trial and in the event of failure on two consecutive dates, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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