

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49988 of 2016

Arising Out of PS.Case No. -109 Year- 2015 Thana -BIRaul District- DARBHANGA

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1. Bhola Mukhiya son of Late Ram MasudMukhiya,
2. Menu Devi, Wife of Bhola Mukhiya Both are resident of Village
Sonrpur, P.S. Bioroul, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-01-2017 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Biroul
P.S. Case No. 109 of 2015 giving rise to Sessions Trial No. 246 of
2016 for the offence punishable under sections 364 and 120-B of
the Indian Penal Code and Section 3/4 of the Dowry Prohibition
Act.

It has been submitted on behalf of the petitioners that
though the case had been lodged under sections 304(B) and
201/34 of the Indian Penal Code but the charge-sheet has been
submitted under sections 364 and 120-B of the Indian Penal Code
and Section 3/4 of the Dowry Prohibition Act. It has further been



submitted that there is no eye witness to the occurrence. Only on the basis of suspicion the petitioners have been falsely implicated in the case. Petitioners are father-in-law and mother-in-law and are languishing in jail for about ten months.

Heard learned A.P.P. also who has opposed the prayer for bail. He could not point out any specific overt act against the petitioners and submitted that on the basis of suspicion raised by the witnesses, as the dead body was not found, the petitioners who are in-laws have been implicated in the case.

Having heard both sides and in view of the fact that except suspicion there is nothing against the petitioners and now the charge-sheet has been submitted and they are in custody for about ten months, both the petitioners above named are directed to be enlarged on bail on furnishing bail bond of Rs.20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st, Benipur, Darbhanga in connection with Biroul P.S. Case No. 109 of 2015 giving rise to Sessions Trial No. 246 of 2016 subject to the conditions that they will cooperate in disposal of the trial and shall make themselves available on each and every date fixed in the case and on failure to appear on two consecutive dates, the petitioners will make themselves liable for cancellation of bail



bonds.

With the above conditions, prayer for bail of the
petitioners is allowed.

(Vinod Kumar Sinha, J)

Amin/-

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