

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1572 of 2017

Arising Out of PS.Case No. -559 Year- 2006 Thana -KHAGARIA District- KHAGARIA

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1. Nawal Yadav @ Nawal Kishore Yadav, s/o late Mahabir Prasad Yadav
2. Rubi Kumari @ Rubi Devi, w/o Nawal Yadav @ Nawal Kishore Yadav
Both r/v Baluahi, Ward No. 26, P.S.-Khagaria, District-Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 17-01-2017 Heard learned counsel for the petitioners as well as
learned A.P.P. for the State.

The petitioners seek bail in connection with Khagaria P.S.
Case No. 559/2006, registered for the offences punishable under
Sections 498A, 376, 420 and 120B of the Indian Penal Code and
Sections 3/4 of the Dowry Prohibition Act.

The petitioners are uncle and aunty-in-law and in the First
Information Report there is allegation that they used to assist other
co-accused in committing the offence. After completing
investigation, the petitioners were not sent up and earlier the
petitioners were granted pre-arrest bail by the Hon'ble Court but
during trial under Section 319 Cr.P.C. again the petitioners have
been summoned and then they surrendered in the light of
observation. Their prayer for bail has been rejected.



Submission is of false implication and that there is no specific allegation against the petitioners. During trial the petitioners have been summoned and as such, the petitioners now deserve sympathetic consideration as they have voluntarily surrendered on 19.12.2016 and since then they are in custody.

Learned A.P.P. fairly submits that the petitioners have been summoned under Section 319 Cr.P.C.

In the facts and circumstances, stated above, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Khagaria in connection with Khagaria P.S. Case No. 559/2006, corresponding to S.Tr. No. 420A/2008, subject to the conditions that one of the bailors must be 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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