

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10594 of 2017

Arising Out of PS.Case No. -39 Year- 2016 Thana -MADHEPUR District- MADHUBANI

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1. Jaleshwar Yadav, S/o Gena Yadav @ Late Genalal Yadav.
 2. Phulo Devi, W/o Sri Om Prakash @ Om Prakash Yadav, Both resident of Village- Sundar Birajeet Tole, Phokchaha, P.S. Madhepur, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anurag Saurav

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 22-03-2017 Heard the parties.

This application has been filed in connection with Madhepur P.S.Case No.39 of 2016 for the offence under Sections 364/34 of the Indian Penal Code.

It is submitted on behalf of the petitioners that in the F.I.R., it has been alleged that the petitioners have removed the deceased out of the house and in that view, he has committed suicide by taking poison but in the postmortem report, the reason of death has not been assigned of poison rather it appears that there was sign of assault on the body of the deceased, whereas there is no allegation of assault against the petitioners. The petitioner no.1 is aged about 75 years and the petitioner no.2 is wife of the petitioner no.1 and



also the petitioner no.2 is a lady. They have remained in custody for about four months.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts as stated above as well as the period of detention of the petitioners, let the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of C.J.M., Madhubani in connection with Madhepur P.S.Case No.39 of 2016.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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