

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30747 of 2018

Arising Out of PS. Case No.-357 Year-2017 Thana- BIKRAM District- Patna

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1. Shiv Kumar Singh @ Shiv Kumar, Son of Sri Rajendra Yadav @ Rajendra Prasad Singh
 2. Sanju Devi, Wife of Sri Shiv Kumar Yadav @ Shiv Kumar, Both residents of Village - Painapur, P.S. - Bikram, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 09-07-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and the State.

The petitioners apprehend arrest in Bikram P.S. Case No. 357 of 2017 instituted for the offence under Sections 302/34 of the IPC.

It is alleged in the written report that an altercation has taken place between wife of the informant and this petitioner for use of common toilet. Petitioner no. 1 wanted to assault wife of informant, but she fled away from the house leaving her one month old son in the house. Thereafter, the wife of the informant returned and found her son lying dead in the house. Post-mortem report has been enclosed as Annexure-2 to this petition, wherein, doctor has found cause of death due to cold exposure with Respiratory Tract Infection leading to



sudden infantry Death Syndrome.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Bikram P.S. Case No. 357 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Danapur, Patna, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (1) (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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