

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13435 of 2019

Arising Out of PS. Case No.-71 Year-2018 Thana- MAHILA P.S. District- Kaimur (Bhabua)

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1. Shakina Bibi aged about 48 years, female (Sas), Wife of Jhabbu Shah
 2. Mumtaz Shah, aged about 21 years, male (Dewar) Son of Jhabbu Sah
Both residents of Village Sikandarpur, P.S. Chainpur, District Kaimur (Bhabua)
 3. Shahjahan Begum, aged about 23 years, female (Nand) wife of Maishar Ali, D/o Jhabbu Shah
 4. Maishar Ali, aged about 26 years, male (Jija), Son of Late Ishlam Shah Both resident of Village - Sirhira, P.S- Chand, District - Kaimur (Bhabua)

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Vinod Kumar Seth, Advocate
For the Opposite Party : Mr. Rajendra Pd. Nat, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 06-03-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 498A and 307/34 of the Indian Penal Code registered in connection with Mahila (Bhabua) P.S. Case No. 71 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the relatives of the informant's husband, namely, Imteyaz Shah. It is submitted that the petitioners were living separately from the informant and her husband and had no concern with their day-to-day affairs. There is inordinate delay in institution of the first information report on 23.11.2018 for the alleged occurrence of 27.10.2018. It is submitted that the informant suffered fracture injuries on her hands after falling



from the ladder.

4. Learned APP assisted by learned counsel for the informant appearing suo motu opposes the anticipatory bail petition, submitting that the informant has suffered fracture injuries on her hands.

5. Be that as it may, 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, Kaimur at Bhabua in connection with Mahila (Bhabua) P.S. Case No. 71 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That Petitioner Nos. 1 and 3 will be well represented and Petitioner Nos. 2 and 4 shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/Chandran

(Vikash Jain, J)

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