

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20210 of 2019

Arising Out of PS. Case No.-273 Year-2018 Thana- CHOUTARWA District- West
Champaran

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1. NIRANJAN YADAV Son of Late Sugriv Yadav Resident of Village-Lakshampur, Police Station-Choutarawa, District-West Champaran.
 2. Nevari Devi @ Drupati Devi Wife of Niranjan Yadav Resident of Village-Lakshampur, Police Station-Choutarawa, District-West Champaran.
 3. Sipahi Yadav Son of Late Paras Yadav, Resident of Village-Rupawaliya, Police Station-Bathawariya, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra
For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 16-07-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 304(B), 201/34 IPC registered in connection with Choutarawa P.S. Case No. 273 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the father-in-law, mother-in-law and husband of sister-in-law respectively. The accusations are general and omnibus in nature without any overt act attributed individually. There is delay in institution of the FIR on 01.12.2018 for the alleged occurrence of 30.11.2018. A statement is made at the Bar that the husband of the deceased is in custody. It is further stated that the petitioners are living separately from the deceased and her husband after partition on 25.01.2016, as evident from the partition document of the Gram Kachari (Annexure-2). The petitioners claim clean antecedents.



4. Learned APP opposes the anticipatory bail petition stating that there is no post mortem report on record.

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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM Ist, Bagaha, West Champaran, in connection with Choutarawa P.S. Case No. 273 of 2018 ,subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate 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.
- iv. The petitioner nos. 1 and 3 shall remain physically present and petitioner no. 2 shall be well represented 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.

(Vikash Jain, J)

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