

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17570 of 2019**

Arising Out of PS. Case No.-109 Year-2018 Thana- DHANKUND District-
Banka *

- =====
1. Md. Illiyas aged about 75 years, male, Son of Late Md. Raees Resident of Village- Babura, P.S.- Dhankund, District- Banka.
 2. Md. Sojahir @ Md. Sojahid aged about 34 years, male, Son of Md. Silahi Resident of Village- Babura, P.S.- Dhankund, District- Banka.
 3. Bibi Jubeda Khatoon @ Kafrun aged about 72 years, female, Wife of Md. Illiyas Resident of Village- Babura, P.S.- Dhankund, District- Banka.
 4. Sonam Khatoon aged about 21 years, female, D/o Md. Illiyas Resident of Village- Babura, P.S.- Dhankund, District- Banka.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Manoj Kumar Jha, Advocate.

For the Opposite Party: Mr.Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 27-03-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 498(a), 494/34 of the Indian Penal Code registered in connection with Dhankund P.S. Case No. 109 of 2018.

3. It is submitted that the petitioners have been falsely implicated as evident from the very fact that the informant has not implicated his daughter's husband who are continuing to live together. The informant himself has been instigating his daughter



and son-in-law to demand partition from the petitioner nos. 1 and 3 and on refusal the present case has been instituted. There is case and counter case between the parties. The ingredients of the offence under Section 494 IPC is not made out against the petitioners. The petitioners claim clean antecedents.

4. 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 Sub-Divisional Judicial Magistrate, Banka in connection with Dhankund P.S. Case No. 109 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 of each of the petitioners shall be their close relatives other than the petitioners herein.

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

(iii) 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.

(iv) That the petitioner nos. 1 and 2 shall remain physically present and petitioner nos. 3 and 4 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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