

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17456 of 2019**

Arising Out of PS. Case No.-165 Year-2018 Thana- SANDESH District-
Bhojpur

- =====
1. Butan Singh aged about 53 years, male, Son of Late Jaya Karan Singh Resident of Village - Pandurampur, P.S.- Sandesh, Distt - Bhojpur.
 2. Punta Devi, female, aged about 48 years, Wife of Butan Singh Resident of Village - Pandurampur, P.S.- Sandesh, Distt - Bhojpur.
 3. Motilal Singh, aged about 35 years, Son of Late Baidnath Singh Resident of Village - Pandurampur, P.S.- Sandesh, Distt - Bhojpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Manoj Kumar, Advocate.

For the Opposite Party: APP

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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 341, 323, 504, /306/34 of the Indian Penal Code and later on Section 201 I.P.C. was added on 14.12.2018 registered in connection with Sandesh P.S. Case No. 165 of 2018.

3. It is submitted that the petitioners have been falsely implicated and as a matter of fact there was dispute between the husband and wife which led to the deceased (husband of the informant) to commit suicide by taking poison.



4. Considering the nature of accusations, gravity of the offence alleged and the specific accusation against the petitioner no. 2, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 2. The anticipatory bail petition of petitioner no. 2 stands dismissed.

5. Considering that the petitioner no. 2 is a lady, if the petitioner no. 2 surrenders and seeks regular bail before the learned trial Court the same shall be considered on its own merits in accordance with law and without being prejudiced by any observation in the present order.

6. As concerns the petitioner nos. 1 and 3, in the event of the petitioner nos. 1 and 3 arrest or surrender before the court below within six weeks from the date of communication of this order, let them 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 Additional Chief Judicial Magistrate-9, Ara, Bhojpur in connection with Sandesh P.S. Case No. 165 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 petitioner nos. 1 and 3 shall not indulge in any similar offence till conclusion of the trial.



(iii) That the petitioner nos. 1 and 3 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 3 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.

(Vikash Jain, J)

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