

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23979 of 2019

Arising Out of PS. Case No.-73 Year-2018 Thana- MAHILA P.S. District- Banka

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1. Gaibi Prasad Singh (Male) aged about 80 years, Son of Late Khudan Singh
 2. Meera Devi (Female) aged about 70 years, Wife of Gaibi Prasad Singh Both are resident of Village - Mahgama, P.S.- Rajoun, District- Banka

... .. Petitioners

Versus

1. The State Of Bihar
2. Shobha Kumari (Female) aged about 22 years, daughter of Dinesh Kapri Resident of Village and P.O.- Salempur, P.S.- Amarpur, District- Banka

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Anand Kishore Sinha, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-04-2019 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)/34 of the Indian Penal Code registered in connection with Banka Mahila P.S. Case No. 73 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the parents-in-law of the informant. The petitioners are of advance age of 80 and 70 years respectively and the accusation of assault against them are highly improbable in nature. Statement is made at the Bar that the petitioners express their readiness to keep the informant in their house with due dignity and honour. 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 them 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 Chief Judicial Magistrate, Banka in connection with Banka Mahila P.S. Case No. 73 of 2018, subject to the conditions as laid down under Section 438 (2) of the 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 no. 1 shall remain physically present in court on each and every date during trial; and petitioner no. 2 shall be well represented in court on each and every date during trial except as and when directed by the learned court to be physically present, 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.

(Vikash Jain, J)

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