

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30499 of 2019

Arising Out of PS. Case No.-248 Year-2018 Thana- KARJA District- Muzaffarpur

1. RAMESH KUMAR SAHANI @ RAMESH SAHNI S/O Jai Nandan Sahni, Resident of Village Mohamadpur Khaje, Tole Chainpur, P.S.- Karja, District- Muzaffarpur (Bihar).
2. Shakuntala Devi, W/o Ramesh Sahni, Resident of Village Mohamadpur Khaje, Tole Chainpur, P.S.- Karja, District- Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navnit Kumar, Adv
For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 13-05-2019 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)/34 IPC registered in connection with Karja P.S. Case No. 248/2018.

3. It is submitted that the petitioners have been falsely implicated merely because the petitioner no.1 is the brother of the husband of the deceased and the petitioner no. 2 is the wife of the petitioner no. 1. It is submitted that the petitioners are living separately from the joint family for many years and have no concern with the day-to-day matters of the deceased and her husband. It is submitted that separate ration card has been issued in favour of petitioner no. 1. 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 provisional 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 2nd, Muzaffarpur, in connection with Karja P.S. Case No. 248/2018. 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 no. 1 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, his bail bond shall be liable to be cancelled by the learned Court concerned.
5. The provisional bail granted to the petitioners shall stand confirmed upon verification by the learned Court below, preferably within a further period of twelve weeks after furnishing bail bonds that the petitioners have been living separately from the deceased and her husband for several years. In case the petitioners' claim fails upon verification, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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