

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1870 of 2019

Arising Out of PS. Case No.-579 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Md. Samsher Khan @ Samser Khan, son of Late Halim Khan
2. Md. Noor Khan @ Noor Hasan Khan, Son of Late Halim Khan,
3. Sirun Nisha, Wife of Md. Noor Khan,
All are residents of Village Atrauli, P.S. Obra, District Aurangabad

... .. Petitioners

Versus

1. The State Of Bihar
2. Saba Praven wife of Md. Samsher Khan @ Shamser Khan, D/o Salauddin Khan, Resident of Village Atrauli, P.S. Obra, District Aurangabad, at present resident of village Khandail, P.S. Sherghati, District Gaya

... .. Opposite Parties

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Appearance :

For the Petitioners	:	Mr. Shivendra Prasad, Advocate
For the State	:	APP
For O.P. No. 2	:	Mr. Satyaveer, Mr. Sanjay Kumar Jha, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 15-01-2019 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), 323 and 504 of the Indian Penal Code registered in connection with Complaint Case No. 579 of 2017.

3. It is submitted that the petitioners, who are husband of the complainant, brother-in-law and his wife, have been falsely implicated in the backdrop of petitioners' case bearing Sherghaty P.S. Case No. 102 of 2017 instituted under Section 304(B) of the Indian Penal Code in connection with niece of the petitioners having died unnatural death. The petitioner no. 1 is ready to keep the complainant with dignity and honour. The petitioners claim clean antecedents.

4. Learned counsel for the complainant appears suo motu and expresses that she is also ready and willing to live with the petitioner no. 1 provided she is kept properly.



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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Mr. G.N. Dubey, learned Judicial Magistrate, 1st Class, Sherghati, Gaya, in connection with Complaint Case No. 579/2017, subject to the conditions as laid down under Section 438 (2) 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. 3 will be well represented and petitioner nos. 1 and 2 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.

(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)

BT/Chandran

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