

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29635 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- DURAULI District- Siwan

1. UTTAM SINGH Son of Late Gorakh Singh, Resident of Village- Domiya (Bawna) Police Station- Darauli, District-Siwan.
2. Abhay Singh, Son of Uttam Singh Resident of Village- Domiya (Bawna) Police Station- Darauli, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Tiwary,Adv
For the State	:	Mr.Chandra Sen Prasad Singh,Adv
For the Informant	:	Mr. Ajay Kumar Pandey, Adv

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 08-05-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 448, 323, 307, 354, 379, 498(A), 504, 506/34 IPC and Section 3 and 4 of the D.P. Act registered in connection with Darauli P.S. Case No. 24 of 2019.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the uncle-in-law and brother-in-law respectively, of the informant. It is submitted that the petitioners are living separately and have no concern with the day-to-day matters of the informant. The accusation in respect of Sections 354 and 379 IPC are mere embellishment and improbable. The petitioners claim clean antecedents.

4. Learned APP assisted by learned counsel for the informant appearing *suo motu* opposes the anticipatory bail petition. It is submitted by the informant that she has suffered injury at the hands of the accused persons who have not respected the order dated 25.04.2018 in Domestic Violence Case No. 09 of 2016. It is further



stated that the parties are residing in the same house with the informant.

5. Be that it may, in the event of petitioners arrest or surrender within four weeks hereof let the above named petitioners be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- [ten thousand] each with two sureties of like amount each to the satisfaction of learned CJM, Siwan in connection with Darauli P.S. Case No. 24 of 2019, 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 petitioners 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.

6. 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 had been living separately from the informant and her husband. In case the petitioners' claim fails upon verification, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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