

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31213 of 2019

Arising Out of PS. Case No.-133 Year-2018 Thana- MAINATAND District- West Champaran

1. SHAMBHU SAH S/o Late Mukhi Sah R/o village- Mainatar, P.S.- Mainatar, District- West Champaran
2. Rambha Devi W/o Shambhu Sah R/o village- Mainatar, P.S.- Mainatar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 05-08-2019 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) of the Indian Penal Code registered in connection with Mainatar P.S. Case No. 133 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 deceased. It is submitted that the petitioners are living separately in their old house and have no concern with the deceased and her husband in their day-to-day matters. As a matter of fact the deceased died from an accidental fire while boiling milk in the kitchen. The accusations are general and omnibus in nature and no specific overt act has been alleged against the petitioners. A specific statement is made in para 17 of the petition that the husband of the deceased is in custody. 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 bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned SDJM, Bettiah, West Champaran, in connection with Mainatar P.S. Case No. 133 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 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, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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