

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31530 of 2019

Arising Out of PS. Case No.-7 Year-2019 Thana- MIRGANJ District- Purnia

1. DILIP YADAV S/o Late Pachu Yadav @ Panchu Yadav Resident of Barhakona, P.S.- Mirganj, District- Purnea
2. Doli Devi W/o Pankaj Yadav Resident of Barhakona, P.S.- Mirganj, District- Purnea
3. Kalawati @ Kalawati Devi W/o Dilip Yadav Resident of Barhakona, P.S.- Mirganj, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh
For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 06-08-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 328, 304(B), 498A of the Indian Penal Code and Section 3 and 4 of the D.P.A ct registered in connection with Mirganj P.S. Case No. 7/2019.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the father-in-law, *gothni* and mother-in-law respectively of the deceased. The accusations are general and omnibus in nature. The petitioners were living separately from the deceased and her husband and have no concern with their day-to-day matters. It is submitted that the deceased committed suicide. The accusation against the petitioners is improbable in view of the averments in the FIR itself that they got the deceased admitted in Max Hospital, Purnea when her condition was deteriorating. Specific statement is made in para 16 of the petition that the husband of the deceased is in custody. The petitioners claim clean antecedents.



4. Learned APP has not pointed out any objective material from the case diary against the petitioners.

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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM Ist, Purnea, in connection with Mirganj P.S. Case No. 7/2019, 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 petitioner no. 1 shall remain physically present and petitioner nos. 2 and 3 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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