

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38114 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- BALUA BAZAR District- Supaul

1. Md. Javed, aged about 32 years, Gender-Male, Son of Md. Dawood Resident of Village - Lalit Gram (Laxminia), Ward No.13, P.S.- Balua Bazar (Lalit Gram O.P.), District- Supaul
2. Meena Khatoon, aged about 25 years, Gender – Female, Daughter of Md. Titar, Wife of Md. Javed, Resident of Village-Bharekhoori, P.S.- Mahadeon, District- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Sameer Ranjan, Advocate
For the Opposite Party	:	Mr. Rajendra Pd. Nat, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-06-2019 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, 323, 307, 494, 498A, 504 and 34 of the Indian Penal Code registered in connection with Balua Bazar P.S. Case No. 01 of 2019.

3. It is submitted that the petitioners have been falsely implicated and this is the first complaint of its nature since the parties were married in the year 2011 and in course of which the informant gave birth to the two daughters. It is submitted that even though it has been alleged that the accused persons set fire to the informant's body on 15.11.2018, no FIR was lodged at that time and the present FIR has been instituted on 03.01.2019. Despite notice having been issued to the informant in the petitioners' anticipatory bail petition before the learned court below, she did not appear. Petitioner no. 1 expresses his readiness to keep the informant with due dignity and honour. 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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Supaul in connection with Balua Bazar P.S. Case No. 01 of 2019, subject to the conditions as laid down under Section 438 (2) of the 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 the petitioner no. 1 shall remain physically present in court on each and every date during trial and the petitioner no. 2 shall be well represented in court on each and every date during trial except as and when directed by the learned court to be physically present, 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)

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