

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40002 of 2019

Arising Out of PS. Case No.-11 Year-2016 Thana- NOKHA District- Rohtas

1. SHYAM PRASAD SHARMA Son of Khubhari Sharma Resident of Village - Khairadih (Kharari), P.S.- Nokha, District - Rohtas.
2. Sanjay Sharma @ Sanjay Prasad Sharma Son of Shyam Prasad Sharma Resident of Village - Khairadih (Kharari), P.S.- Nokha, District - Rohtas.
3. Sanjharo Devi Wife of Shyam Prasad Sharma Resident of Village - Khairadih (Kharari), P.S.- Nokha, District - Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh

For the Opposite Party/s : Mr.Kanhaiya Kishore (APP100)

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 26-08-2019 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)/34 of the Indian Penal Code registered in connection with S. Trial No. 10/2017, arising out of Nokha P.S. Case No. 11/2016.

3. It is submitted that the petitioners have been falsely implicated and after due investigation, the police exonerated the petitioners and charge sheet was submitted only against the husband of the deceased . The petitioners have been summoned in course of trial under Section 319 Cr. P.C. There is delay in institution of the FIR on 10.01.2016 for the alleged occurrence of 01.01.2016. 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 Additional Sessions Judge IV, Rohtas at Sasaram, in connection with S. Trial No. 10/2017, arising out of Nokha P.S. Case No. 11/2016, 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 nos. 1 and 2 shall remain physically present and the petitioner no. 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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