

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38124 of 2019

Arising Out of PS. Case No.-157 Year-2018 Thana- MAHARAJGANJ District- Siwan

1. Babita Devi (Female) aged about 25 years, Wife of Ramesh Prasad
2. Mukesh Prasad (Male) aged about 40 years
Both Resident of Village-Risaura Tola Bishunpura, P.S.- Maharajganj,
District-Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Md. Aslam Ansari, Advocate
For the Opposite Party : Mr.Shailendra Kumar Singh, 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 304B, 201 and 34 of the Indian Penal Code registered in connection with Maharajganj P.S. Case No. 157 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the aunt-in-law and brother-in-law of the deceased. The accusations are general and omnibus in nature and no specific accusation has been attributed to the petitioners individually. The petitioners claim to have been living separately with the deceased and her family members. Similarly situated accused persons Guriya Devi @ Guddiya Devi and Rita Devi @ Ritty Devi; and Ramesh Prasad have been granted anticipatory bail by this Court in Cr. Misc. No. 14616 of 2019 and Cr. Misc. No. 23457 of 2019. 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 Chief Judicial Magistrate, Siwan in connection with Maharajganj P.S. Case No. 157 of 2018, 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 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 petitioner no. 2 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.

(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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