

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37458 of 2019**

Arising Out of PS. Case No.-139 Year-2014 Thana- BANKA District- Banka
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1. RAJU DAS @ RAJESH KUMAR DAS, aged about 47 years, male, Son of Shyam Das Resident of Village - Maniyarpur, P.S.- Banka, District - Banka.
2. Nilam Devi @ Neelam Devi, aged about 40 years, female, Wife of Raju Das @ Rajesh Kumar Das Resident of Village - Maniyarpur, P.S.- Banka, District - Banka.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Brij Nandad Prasad, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 21-06-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 304(B)/34 of the Indian Penal Code registered in connection with Banka P.S. Case No. 139 of 2014.

3. It is submitted that the petitioners being the uncle-in-law and aunt-in-law of the deceased have been falsely implicated. It is submitted that after due investigation the petitioners have been exonerated by the police and they are not sent up for trial but differing from the final form, cognizance has been taken. It is stated that the petitioners have been living separately from the deceased and her husband and had no concern with day to day matter. 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 Sri Raushan Kumar, learned Judicial Magistrate 1st Class, Banka in connection with Banka P.S. Case No. 139 of 2014, 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 of each of the petitioners shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) 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.

(iv) That 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 petitioner no. 1 shall remain physically present in Court on each and every date, 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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