

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40679 of 2019

Arising Out of PS. Case No.-94 Year-2019 Thana- BIHIA District- Bhojpur

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1. GUDIYA DEVI @ GUDIYA KUMARI D/o Shabha Ram @ Sabhapati Ram @ Samapati Ram Resident of Umranganj, P.S.- Bihiya (O.P.- Bahoranpur), District- Bhojpur.
 2. Soni Kumari D/o- Shabha Ram @ Sabhapati Ram @Samapati Ram Resident of Umranganj, P.S.- Bihiya (O.P.- Bahoranpur), District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gopal Govind Mishra
For the State	:	Mr.Anil Prasad Singh
For the informant	:	Mr. Ramanuj Tiwary, Adv

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 05-09-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehends their arrest for the offences alleged under Sections 302/34 of the Indian Penal Code registered in connection with Bihiya (Bahoranpur) P.S. Case No. 94/2019.

3. It is submitted that the petitioners have been falsely implicated on the accusation that the petitioners along with other persons have murdered the informant's husband by strangulating and pressing his chest. It is submitted that except suspicion there is no objective material to connect the petitioners with the alleged occurrence. No specific overt act has been alleged against the petitioners, who are residents of different village from the deceased. The petitioners are ladies claiming clean antecedents.



4. Learned APP assisted by learned counsel for the informant appears and has been heard.

5. It is submitted on behalf of the informant that the petitioners have influenced the investigation and the statement of the informant has not been recorded nor any material against the petitioners is being allowed to come in the case diary.

6. Learned APP on the other hand has not pointed out any objective material in the case diary against the petitioners. It is further submitted that the informant's restatement is recorded in para 18 of the case diary. The statement of witness Ramayan Ram has also been recorded in para 19 of the case diary.

7. 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 CJM, Bhojpur at Ara in connection with Bihiya (Bahoranpur) P.S. Case No. 94/2019, 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 petitioners 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 bondd shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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