

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42046 of 2019

Arising Out of PS. Case No.-51 Year-2019 Thana- KOPA District- Saran

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1. Md. Shahabuddin Hawari (M) age 55 years Son of Late Ismail Mian
 2. Mumtaj Begam (F) age 50 years Wife of Md. Shahabuddin Hawari
 3. Nagma Begam @ Nazma Begum (F) age 27 years D/o Md. Shahabuddin Hawari
 4. Md. Babloo (M) age 30 years, Son of Shahabuddin Hawari
- Petitioners
- Versus
- The State of Bihar
- Opposite Party
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Appearance :

For the Petitioners : Mr.Udit Narayan Singh, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 10-07-2019 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 and 201/34 of the Indian Penal Code registered in connection with Kopa P.S. Case No. 51 of 2019.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be variously related to the husband of the deceased. It is submitted that in any event, the informant himself has subsequently filed a petition dated 18.04.2019 (Annexure-2) before the learned Additional Chief Judicial Magistrate-5, Chapra to the effect that his daughter has died at the time of delivery of child and has resiled from the accusation in the FIR. 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 four weeks from the date of communication of this order, let the above named petitioners be released on provisional bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate-V, Saran, Chapra in connection with Kopa P.S. Case No. 51 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 petitioner nos. 1 and 4 shall remain physically present in court on each and every date during trial and petitioner nos. 2 and 3 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.

5. The provisional bail granted to the petitioners shall be confirmed upon verification by the court below about the genuineness of the the petition dated 18.04.2019 (Annexure-2) said to have been filed by the informant within a further period of four weeks after furnishing bail bonds, failing which their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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