

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41997 of 2019
Arising Out of PS. Case No.-106 Year-2019 Thana- SONEPUR District-
Saran

- =====
1. MALTI DEVI, aged about 72 years, female, Wife of Birendra Prasad Resident of Village- Semariya, P.S.- Revilganj, District- Saran at Chapra.
 2. Birendra Prasad, aged about 77 years, male, Son Of Late Raja Lal Resident of Village- Semariya, P.S.- Revilganj, District- Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Narendra Kumar, Advocate.

For the Opposite Party: Mr. Gauri Shankar Gupta, APP

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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 304(B), 120(B)/34 of the Indian Penal Code registered in connection with Sonepur P.S. Case No. 106 of 2019.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the parents-in-law of the deceased and merely on suspicion, there is no objective material to connect the petitioners with the alleged occurrence. The F.I.R. has been instituted against unknown and there is no whisper of any accusation whatsoever to attract the ingredients of the offence under Section 304(B) IPC in absence of allegations with respect to dowry demand, torture and death under unnatural circumstances. A separate Complaint Case No. 626 of 2019 has been filed subsequently for the same occurrence at the instance of the father of the deceased. The petitioners are persons of advanced age of 72 years and 77 years and claiming



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 Chief Judicial Magistrate-1st, Saran at Chapra in connection with Sonapur P.S. Case No. 106 of 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 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. 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, 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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