

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59078 of 2018

Arising Out of PS. Case No.-132 Year-2018 Thana- KHUSRUPUR District-
Patna

- =====
1. Manoj Thakur @ Manoj Kumar Sharma aged about 45 years, S/o Late Ram Bachan Sharma,
 2. Baby Devi aged about 42 Years W/o Manoj Thakur @ Manoj Kumar Sharma, Both the Residents of Vill.- Baikathpur, Kishnauta Tola, P.S.- Khushrupur, District- Patna.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Prakash Ranjan Sinha, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

5 11-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 304/34 of the Indian Penal Code registered in connection with Khushrupur P.S. Case No. 132 of 2018.

3. It is submitted that the petitioners have been falsely implicated and the entire prosecution story is highly doubtful considering that in the circumstances wherein it is alleged that the petitioners themselves alleged to have conducted operation for delivery of child of the informant's wife, did not inform the police about their deaths and dispose of the dead body of the



informant's wife. The informant had approached Dr. Kadari with request to treat his wife but he was advised to take the patient to PMCH or any other hospital.

4. Learned APP has not pointed out any objective material from the case diary against the petitioners.

5. 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-VI, Patna City in connection with Khushrupur P.S. Case No. 132 of 2018, 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) 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) The petitioner no. 1 shall remain physically



present and petitioner no. 2 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 bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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