

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40019 of 2019

Arising Out of PS. Case No.-236 Year-2018 Thana- GARKHA District- Saran

-
1. SUBHASH BHARTI Son of Late Basdeo Bharti Resident of Village - Garkha Bazar Basant Road, P.S.- Garkha, District - Saran (Chapra).
 2. Heera Devi Wife of Subhash Bharti Resident of Village - Garkha Bazar Basant Road, P.S.- Garkha, District - Saran (Chapra).
 3. Dhanesh Bharti Son of Subhash Bharti Resident of Village - Garkha Bazar Basant Road, P.S.- Garkha, District - Saran (Chapra).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 26-08-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 498(A), 304(B), 201 of the Indian Penal Code registered in connection with Garkha P.S. Case No. 236 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the father-in-law, mother-in-law and brother-in-law respectively of the deceased. It is submitted that the deceased died during child birth in course of surgery at the clinic of Dr. Sangita Choudhary, in which a female child was born. The new born child was taken away by the husband of the deceased after payment of the expenses at the clinic. 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



learned ACJM XIV, Chapra, District Saran, in connection with Garkha P.S. Case No. 236 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 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 petitioner nos. 1 and 3 shall remain physically present and the petitioner no.2 will 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)

Chandran/-

U		T	
---	--	---	--

