

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58516 of 2018

Arising Out of PS. Case No.-93 Year-2018 Thana- CHENARI District- Rohtas

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1. Kamlesh Patel @ Kamlesh Kumar Singh @ Kamleshwar Kumar Singh S/o Ram Gahan Singh, R/o Village - Kukurah, P.S.- Belaw, District- Kaimur Bhabua.
 2. Ravindra Prasad S/o Tapeswar Kumhar,
 3. Lalsa Devi, W/o Ravindra Prasad,
Both are R/o Vill.- Karanpura, P.S.- Chenari, District- Rohtas.

... .. Petitioners

Versus

The State Of Bihar

.. ... Opposite Party

Appearance :

For the Petitioners : Mr. Ashutosh Tripathy, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 23-01-2019 By order dated 26.11.2018, the anticipatory bail petition on behalf of petitioner, namely, Lalsa Devi has been permitted to be withdrawn.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioner nos. 1 and 2 apprehend their arrest for the offences alleged under Sections 304, 315, 120(B)/34 of the Indian Penal Code registered in connection with Chenari P.S. Case No. 93 of 2018.

4. It is submitted that the petitioners have been falsely implicated on the accusation that the petitioners conducted delivery of a child of the informant's daughter, both of whom subsequently died. It is further submitted that the informant's daughter was never admitted to Keshav Hospital, Chenari where petitioner no. 1 was working as caretaker. Petitioner no. 3 is Asha worker of Karnpura village and petitioner no. 2 is her husband. The first information



report has been instituted after inordinate delay of more than one and half months on 04.05.2018 for the alleged occurrence of 18.03.2018 without proper explanation for the same. It is a case of malafide intention of the informant as she wanted to grab the land of the petitioner no. 2 which is situated behind the house of the informant. A perusal of paragraph 30 of the case diary containing the ultrasound report of the informant's daughter discloses that she was referred by the doctor of PHC and that no movement was seen in the informant's daughter faetus - Placenta Profile which prima facie appears to be INTRA UTERINE FOETAB DEATH recorded in the ultrasound report. The petitioners claim clean antecedents.

5. Be that as it may, in the event of the arrest or surrender of petitioner nos. 1 and 2, namely, Kamlesh Patel @ Kamlesh Kumar Singh @ Kamleshwar Kumar Singh and Ravindra Prasad, before the court below within six weeks from the date of communication of this order, let them be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Chenari P.S. Case No. 93 of 2018, subject to the conditions as laid down under Section 438 (2) 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 the petitioner nos. 1 and 2 shall remain physically present 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.

(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.

BT/Chandran

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(Vikash Jain, J)

