

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63994 of 2018

Arising Out of PS. Case No.-146 Year-2018 Thana- CHOUTARWA District-
West Champaran

- =====
1. Rajbanshi Yadav S/o late BIRTHA YADAV
 2. Shanti Devi W/o Rajbanshi Yadav
 3. Vinod Yadav S/o Rajbanshi Yadav
 4. Saroj Devi W/o Vinod Yadav All four are R/o Village- Majhaua, P.S. Chautarwa, District- West Champaran.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Bimlesh Kumar Pandey, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 15-02-2019

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

2. The petitioners apprehend their arrest for the offences
alleged under Sections 304B, 201/34 of the Indian Penal Code
registered in connection with Chautarwa P.S. Case No. 146 of 2018.

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 from perusal of the
order of the learned District and Sessions Judge, it is apparent that
independent witness have recorded their statements in paragraph nos.
79, 80 and 81 of the case diary to the effect that the deceased had died
on natural death and that the family members of the deceased were
present at the time of last funeral. The petitioners claim clean
antecedents.

4. Learned APP submits that Sections 82 and 83 of the Cr.
P.C. have been concluded against the petitioners and hence they are
not entitled to the benefit of anticipatory bail.

5. In this regard, learned counsel for the petitioners
submits that process under Section 82 Cr. P.C. itself was not valid,



considering that the same has been issued before expiry of the mandatory 30 day period. Reliance has been placed on a decision of a co-ordinate Bench of this Court in Cr. Misc. No. 75288 of 2018 (*Bharat Yadav and Anr. Vs. The State of Bihar*).

6. 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-Ist, Bagaha, West Champaran in connection with Chautarwa P.S. Case No. 146 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) 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 nos. 1 and 3 shall remain physically present and petitioner nos. 2 and 4 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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