

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69005 of 2018

Arising Out of PS. Case No.-54 Year-2018 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Sabu Devi W/o Nawal Kishore Singh @ Kishori Singh R/o Village-
Gavandi,P.S.-Kundawa Chainpur,Distt.-East Champaran at Motihari
 2. Menka Devi @ Monika Devi W/o Mukesh Kumar Singh R/o Village-
Basahiya,P.S. and Distt.-Sheohar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vindhya Keshri Kumar, Sr. Adv
		Mr. Ravi Shankar Pathak, Adv
For the Opposite Party/s :		Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 25-02-2019 Heard learned counsel for the petitioners and learned APP for
the State.

2. The petitioners apprehend their arrest for the offences alleged
under Sections 302/34 IPC registered in connection with Kundawa
Chainpur P.S. Case No. 54/2018.

3. It is submitted that the petitioners have been falsely implicated
and the petitioner no. 1 is the mother-in-law of the deceased and the
petitioner no. 2 is the married daughter of the petitioner no. 1. It is
submitted that the informant is the father of the deceased who has
instituted the FIR with the apprehension that the properties of
petitioner no. 1 may go to another lady with whom the husband of the
deceased was said to be having illicit relationship. It is submitted that
subsequently the petitioner no. 1 has gifted her properties in favour of
the two grand children, i.e. the sons of the deceased, and as such the
informant is no longer interested in prosecuting the matter. There is
no eye-witness to the alleged occurrence nor any direct or indirect
objective material to connect the petitioners with the alleged
occurrence. 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 SDJM, Sikarhana at Motihari in connection with Kundawa Chainpur P.S. Case No. 54/2018, 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 petitioners 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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