

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50066 of 2019

Arising Out of PS. Case No.-159 Year-2019 Thana- CHANDI District- Nalanda

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1. Amarjeet Chauhan @ Amarjeet, aged about 24 years (Male), Son of Vinod Chauhan
 2. Yogi Chauhan, aged about 55 years (Male), Son of Shyam Sunder Chauhan
 3. Usha Kumari, aged about 50 years (Female), D/o Vinod Chauhan.
 4. Lalmuni Chauhan, aged about 49 years (Male), Son of Shaym Sunder Chauhan
- All are Resident of Village - Laxminia Bigha, P.S.- Chandi, District Nalanda at Biharsharif.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 09-08-2019 As prayed, learned counsel for the petitioners is permitted to make necessary corrections in the prayer portion of the petition by mentioning “Nalanda at Biharsharif” in place of “Nawada” in course of the day.

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

3. The petitioners apprehend their arrest for the offences alleged under Sections 304(B), 201 and 34 of the Indian Penal Code registered in connection with Chandi P.S. Case No. 159 of 2019.

4. It is submitted that the petitioners have been falsely implicated merely because they happen to be *Devar*, uncle-in-law, married *Nanad* and uncle-in-law of the deceased, respectively. From perusal of the first information report, no accusation muchless overt act has been alleged against the petitioners. It is submitted that the deceased was married as far back as in the year 2007 and as such,



ingredients of the offence as alleged under Section 304B of the IPC are not made out. The petitioners claim clean antecedents.

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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Hilsa, Nalanda at Biharsharif in connection with Chandi P.S. Case No. 159 of 2019, subject to the conditions as laid down under Section 438 (2) of the 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 petitioner nos. 1, 2 and 4 shall remain physically present in court on each and every date during trial and petitioner no. 3 shall be well represented in court on each and every date during trial except as and when directed by the learned court below to be physically present 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.

(Vikash Jain, J)

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