

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51028 of 2019

Arising Out of PS. Case No.-66 Year-2019 Thana- DUMARIAGHAT District- East
Champaran

-
1. Prema Devi, aged about 31 years, Female, wife of Girdhari Sahani @ Jaldhari Sahani
 2. Jaldhari Sahani @ Girdhari Shani, Male, aged 38 years, son of Harilal Sahani
Both village-Puraina, P.O.+P.S.- Dumariyaghat, District-East Champaran. At present Address-Bariyaria Puchharia, P.O.+P.S. Sangrampur, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 19-08-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 304(B), 201 and 34 of the Indian Penal Code registered in connection with Dumariyaghat P.S. Case No. 66 of 2019.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the married *Nanad* and her husband respectively. The petitioners are living in Himachal Pradesh and had no concern with the deceased and her husband in the day-to-day matters. There is no eye-witness to the alleged occurrence nor were they present at the place of occurrence. No specific overt act has been attributed to the petitioners rather the deceased died after being beaten by the husband and the entire occurrence has resulted from matrimonial dispute between the deceased and her husband.



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 bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, East Champaran, Motihari in connection with Dumariyaghat P.S. Case No. 66 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 no. 1 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 petitioner no. 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.

(Vikash Jain, J)

BT/-

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

