

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52982 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- SINGHIYA District- Samastipur

1. Shambhu Sada, aged about 45 years, Male, Son of Late Jagdev Sada
2. Maya Devi aged about 40 years female, Wife of Shambhu Sada
Both, resident of Village-Salha Musahari, P.O.- Lilhaul, P.S.- Singhiya,
District- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Raja Ram Mishra, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 26-08-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 120B, 201, 304B and 34 of the Indian Penal Code registered in connection with Singhiya P.S. Case No. 13 of 2019.

3. It is submitted that the petitioners have been falsely implicated and the ingredients of the offence under Section 304B of the IPC are not made out as they are co-villagers of the husband of the deceased and were living separately and not related in any manner to the husband of the deceased. No specific overt act has been alleged against the petitioners. It has further been stated that cousin brother-in-law of the deceased, namely, Pappu Sada, who had gone to fetch the deceased from paternal home, including cousin father-in-law, Raj Kumar Sada, has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 29.07.2019 passed in Cr. Misc. No. 46868 of 2019 (Annexure-2). 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-V, Rosera, Samastipur in connection with Singhiya P.S. Case No. 13 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 remain physically present in court on each and every date during trial and petitioner no. 2 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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