

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77173 of 2018

Arising Out of PS. Case No.-331 Year-2013 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. Birendra Prasad Son of Late Muneshwar Sah,
 2. Mansu Devi, Wife of Birendra Prasad.
 3. Kajal Kumari @ Kajal Kumari Gupta, Daughter of Birendra Prasad. All residents of Village- Dumaria, P.S.- Dumaria, District- Gaya. At present resident of Mohalla- Trigun Dehri, near Street of D.A.V. School, House of Ramesh Chaudhary, Son of Late Vishram Chaudhary, P.S.- Dehri-On-Sone, District- Rohtas.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Rajesh Prasad Gupta, Son of Late Dwarika Prasad, Resident of Mohalla- Rajputan Mohalla, Dehri-on-Sone, P.S.- Dehri-On-Sone, District- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Singh
For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 25-04-2019 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 Complaint Case No. 331 of 2013, Tr. No. 2269/2018.

3. It is submitted that the petitioners have been falsely implicated and the complaint has been filed after inordinate delay after more than six months for the alleged date of occurrence on 05.04.2013. It is stated that the complainant/informant himself had earlier lodged U.D. Case No. 199M/2018 in which it was found that the complainant's son had died by drowning (Annexure-3). The present complaint has been filed in retaliation to Complaint Case No. 396/2013 filed against the complainant and others under Section 498A IPC and allied provisions. Cognizance has been taken against the petitioners by order dated 01.05.2018 and as such



there is apprehension of arrest. 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, Dehri, District Rohtas, in connection with Complaint Case No. 331 of 2013, Tr. No. 2269/2018, 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. The petitioner no. 1 shall remain physically present and petitioner nos. 2 and 3 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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