

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74438 of 2018

Arising Out of PS. Case No.-57 Year-2018 Thana- BELSAND District- Sitamarhi

1. Sushil Bhandari Son of Rambabu Bhandari
2. Rambabu Bhandari Son of Late Narayan Bhandari
3. Chhathi Devi @ Chhathiya Devi Wife of Rambabu Bhandari
4. Sudhir Kumar @ Sudhir Bhandari Son of Rambabu Bhandari
5. Chunchun Kumari D/o of Rambabu Bhandari
6. Sangita Devi @ Sangit Devi wife of Sushil Bhandari
All Resident of Village-Madhkaul,P.S. Belsand,Distt.-Sitamarhi

... .. Petitioner/s

Versus

1. State Of Bihar
2. Santosh Devi Wife of Ramparvesh Bhandari Resident of Village-Maduban
P.S. Sitamarhi,Distt.-Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagjit Roshan
For the Opposite Party/s : Mr.Kumar Virendra Narayan

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 304(B),120(B), 201/34 IPC registered in connection with Belsand PS Case No. 57 of 2018/G.R.No. 1382 of 2018.

3.It is submitted that the petitioners have been falsely implicated and as a matter of fact the two ladies namely, Ful Kumari Devi @ Pooja Devi and Marachiya Devi had been killed by an intruder who had come to commit theft in the house of petitioner no.1 and in respect of which Belsand P.S. Case No. 91 of 2017 (Annexure-2) has been instituted. Upon investigation of the said case, the police submitted charge sheet against one Amresh Rai on 17.12.2017(Annexure-3).About four months after submission of charge sheet, the present complaint has been filed by the family members of one of the deceased Ful Kumari Devi @ Pooja



Devi against the present petitioners who are variously related to the husband of the deceased Ful Kumari Devi @ Pooja Devi.

4. I.A. No. 1 of 2019 has been filed on behalf of the petitioners submitting that owing to some misunderstanding and communication gap, the order dated 11.03.2019 granting provisional bail to the petitioners could not be communicated to them and as such the petitioners were not able to surrender and furnish bail bonds within the stipulated time.

5. Learned APP has not pointed any specific material in the case diary against the petitioners. A perusal of the viscera report of the deceased two ladies does not also disclose any adverse finding. The post mortem report of deceased Ful Kumari Devi @ Pooja Devi does not indicate any injury and the cause of death could not be ascertained.

6. 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 ACJM Ist, Sitamarhi, in connection with Belsand PS Case No. 57 of 2018/G.R.No. 1382 of 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 petitioner nos. 3, 5 and 6 shall be well represented and petitioner nos. 1, 2 and 4 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.

7. I.A. No. 1 of 2019 also stands disposed of.

(Vikash Jain, J)

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