

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64412 of 2018

Arising Out of PS. Case No.-147 Year-2018 Thana- DHANAHA District- West Champaran

1. Radheshyam Kharwar, Son of Pujan Kharwar @ Shiv Pujan Kharwar,
2. Usha Devi, Wife of Radheshyam Kharwar, Both resident of Village- Ghusari, P.S.- Dhanaha, District- West Champaran.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Anand Kishore Choudhary, Advocate
For the State	:	Mr. J.K. Singh, APP
For the Informant	:	Mr. Vijay Kumar Singh No. 1, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 08-01-2019 Heard learned counsel for the petitioners and learned APP for the State assisted by learned Cornelius for the informant.

2. The petitioners apprehend their arrest for the offences alleged under Sections 302 and 304(B)/34 of the Indian Penal Code registered in connection with Dhanaha P.S. Case No. 147 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the father-in-law and mother-in-law of the deceased, respectively. It is submitted that the petitioners were living separately from the deceased and her husband and they had no concern with the day-to-day domestic affairs of the deceased. It is submitted that the petitioner no. 1 was not present at the time of occurrence and had gone to Gujarat. The husband of the deceased is already in custody.

4. Learned APP assisted by learned counsel for the informant opposes the bail petition. It is pointed from paragraph 41 of the case diary that the petitioners have been shown as absconder as charge sheet has been submitted. A perusal of the case diary and in particular, re-statement of the informant in paragraph 2 discloses that



the petitioner no. 1 had gone for earning his livelihood, as well as the statement of independent witness Usha Devi in paragraph 15 of the case diary to the same effect. 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, Bagaha, West Champaran, in connection with Dhanaha P.S. Case No. 147/2018, subject to the conditions as laid down under Section 438 (2) 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 and petitioner no. 2 will 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.

(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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