IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63628 of 2019

Arising Out of PS. Case No.-2 Year-2019 Thana- MIRGANJ District- Purnia

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1. LUKHO DEVI Wife of Shambhu Choudhary Resident of Village - Gachhkatta, P.S.- Mirganj, District- Purnea
2. Sudhir Choudhary Son of Shambhu Choudhary Resident of Village - Gachhkatta, P.S.- Mirganj, District- Purnea
3. Chandra Shekhar Choudhary Son of Shambhu Choudhary Resident of Village - Gachhkatta, P.S.- Mirganj, District- Purnea

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sada Nand Roy
For the Opposite Party/s : Mr.Rita Verma

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 22-10-2019 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)/34 of the Indian Penal Code, registered in connection with Mirganj P.S.Case No. 02 of 2019.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the mother-in-law and brothers-in-law of the deceased. It is submitted that ingredients of the offences alleged under Section 304(B) IPC is not made out in absence of any whisper of demand of dowry in

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the FIR. In any event, the body of the deceased was admittedly cremated in the presence of the informant after post mortem, without any objection at that stage. There is delay in lodging of the FIR on 06.01.2019 for the alleged occurrence of 04.01.2019. The petitioners claim clean antecedents.

4. Be that as it may, in the event of petitioners' arrest or surrender before 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 the like amount each to the satisfaction of learned CJM, Purnea in Mirganj P.S.Case No. 02 of 2019, 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.

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(iv) That the 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 in court and petitioner nos. 2 and 3 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.

(Vikash Jain, J)

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