

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77271 of 2018

Arising Out of PS. Case No.-38 Year-2018 Thana- MAHILA P.S. District-
Banka

- =====
1. Kailash Das son of Late Batam Das,
 2. Dropati Devi @ Dropadi Devi, Wife of Kailash Das, Both resident of Village- Bhagwat Chauk, P.S.- Shambhuganj, District- Banka.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Tribhuwan Narayan, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 17-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 498(A)/34 of the Indian Penal Code and Section 34 of the Dowry Prohibition Act registered in connection with Banka Mahila P.S. Case No. 38 of 2018, G.R. No. 2269 of 2018.

3. It is submitted that the petitioners who are the father-in-law and mother-in-law respectively have been falsely implicated. The accusation of torture is general and omnibus against all accused persons. The entire family of the informant's husband has been made accused. The petitioners are living separately at Godda (Jharkhand) and they have no concern with day to day affairs with the informant and her husband. The petitioners claim clean antecedents.

4. Learned APP assisted by learned counsel for the informant appears and has been heard.



5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, 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 Sub-Divisional Judicial Magistrate, Banka in connection with Banka Mahila P.S. Case No. 38 of 2018, G.R. No. 2269 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) 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.

(iv) The petitioners 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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