

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67346 of 2019

Arising Out of PS. Case No.-119 Year-2019 Thana- BHAGWANPUR District- Vaishali

1. JAGARNATH RAI @ JAGANNATH RAI Son of Ramnandan Rai Resident of Village - Ratanpura, P.S.- Bhagweanpur, Distt.- Vaishali.
2. Panvati Devi @ Panvatti Devi W/o Jagarnath Rai @ Jagannath Rai Resident of Village - Ratanpura, P.S.- Bhagweanpur, Distt.- Vaishali.
3. Raushan Kumar @ Jhunnu Kumar Son of Jagarnath Rai @ Jagannath Rai Resident of Village - Ratanpura, P.S.- Bhagweanpur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha
For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 18-12-2019 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, 201/34 of the Indian Penal Code registered in connection with Bhagwanpur P.S. Case No. 119/2019.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the father, mother and brother respectively, of the husband of the deceased. The petitioners were staying separately and had no concern with the day-to-day matters of the deceased and her husband. As a matter of fact the deceased was suffering from diarrhoea and vomiting and was referred on 24.05.2019 by Dr. B. Kumar to emergency ward of the PMCH, Patna (Annexure-2) where she was being taken but did not survive. The informant's side was present during the cremation of the body. The deceased and her husband were married for about eight years and no complain of any nature has been filed in the past. The petitioners claim clean antecedents.



4. Learned APP has not pointed out any objective material in the case diary against the petitioners.

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 bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-I, Hajipur, Vaishali, in connection with Bhagwanpur P.S. Case No. 119/2019, 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.
- iv. The petitioner nos. 1 and 3 shall remain physically present in Court on each and every date during trial and the petitioner no. 2 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, 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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