

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76435 of 2018

Arising Out of PS. Case No.-36 Year-2018 Thana- NAYAGAON District- Begusarai

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1. Sampul Devi @ Simphul Devi D/o Sri Nago Yadav
 2. Nago Yadav, Son of Late Shiwan yadav
 3. Prema Devi W/o Sri Nago Yadav
- All Resident of Village – Mathar, P.S. Nayagaon, District -Begusarai
... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 07-02-2019 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), 201 and 34 of the Indian Penal Code registered in connection with Nayagaon P.S. Case No. 36 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be variously related to the husband of the deceased. Petitioner no. 1 is the married Nanad and petitioner nos. 2 and 3 are father-in-law and mother-in-law of the deceased, respectively. It is submitted that the petitioner no. 1 was the married Nanad and living separately at her matrimonial home and she had no concern with the day-to-day affair of the deceased. It is further submitted that petitioner nos. 2 and 3 were also separate from their son, namely, Parshuram Yadav.

4. Be that as it may, considering that petitioner no. 1 Sampul Devi @ Simphul Devi, who is the married Nanad of the deceased, is said to be living separately at her matrimonial home and petitioner no. 3, Prema Devi is a lady of advance age and there is no specific accusation of any overt act against her, in the event of their arrest or surrender before the court below within six weeks from the



date of communication of this order, let them 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 Mr. Rajeev Kumar Bharti, Sub-Judge-VI - cum - A.C.J.M.-IV, Begusarai in connection with Nayagaon P.S. Case No. 36 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioner nos. 1 and 3 shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners 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.

5. As regards petitioner no. 2 Nago Yadav, having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant anticipatory bail to him. The anticipatory bail petition stands dismissed.

6. If petitioner no. 2 surrenders and seeks regular bail before the learned trial Court, the same shall be considered on its own merit in accordance with law and without being prejudiced by any observation in the present order.

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(Vikash Jain, J)

