

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73630 of 2018

Arising Out of PS. Case No.-130 Year-2018 Thana- TELHARA District- Nalanda

1. Sanjoga Devi W/o Gyanchand Bind
2. Gyanchand Bind S/o Lalan Bind
Both residents of Village- Bauri, P.S.- Hulasganj, District- Jehanabad.
3. Prakash Bind Son of Dashrath Bindh, resident of Village- Haidarpur, P.S. Telhara, District- Nalanda.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Rudal Prasad, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 07-03-2019 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 Telhara P.S. Case No. 130 of 2018.

3. It is submitted that the petitioner have been falsely implicated merely because petitioner nos. 1 and 2 happen to be the married *Nanad* and *Nandos* of the deceased whereas petitioner no. 3 is merely a co-villager. The petitioners have been residing separately from the deceased and her husband and had no concern with the day-to-day affairs. Similarly situated co-accused persons, namely, Bishundhari Bind @ Bishunudhari Bind, Pawan Bind and Lalan Bind, have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 20.10.2018 passed in Cr. Misc. No. 75029 of 2018. The husband of the deceased namely, Bipin Bind, has since been acquitted of the charges by learned Juvenile Justice Board, Bihar Sharif (Nalanda) in J.J.B. Case No. 426 of 2018 vide order



dated 23.01.2019. The petitioners claim clean antecedents.

4. 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 Mr. Sunil Kumar Singh, learned Judicial Magistrate, 1st Class, Hilsa, Nalanda in connection with Telhara P.S. Case No. 130 of 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 will be well represented 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.

(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.

BT/-

(Vikash Jain, J)

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