

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79733 of 2018

Arising Out of PS. Case No.-618 Year-2018 Thana- MOTIPUR District- Muzaffarpur

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1. Navin Kumar Singh, Son of late Lalbabu Singh
 2. Shabnam Devi, W/o Navin Kumar Singh,
Both resident of Village - Anjana Cot, P.S. Motipur, District Muzaffarpur.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 25-01-2019 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) and 304(B)/34 of the Indian Penal Code registered in connection with Motipur P.S. Case No. 618 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be brother-in-law of the deceased and his wife, respectively. It is submitted that the petitioners were living separately from the deceased and her husband, as evident from the order dated 23.01.2018 passed by the Principal Judge, Family Court, Muzaffarpur in Matrimonial Case No. 87 of 2015 to the effect that the deceased and her husband had taken separate residence. It is further submitted that the deceased was admitted in SKMCH, Muzaffarpur on 11.07.2018 and died on the next day. It is submitted that the two cases in which petitioner no. 1 has been made accused are at the instance of the informant's side and in one case, the petitioner has been acquitted and while in other case, final form has been submitted. The petitioner no. 2 claims 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 learned Sub-Divisional Judicial Magistrate, West Muzaffarpur in connection with Motipur P.S. Case No. 618 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure 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 the petitioner no. 2 will be well represented and petitioner no. 1 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/Chandran

(Vikash Jain, J)

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