

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82668 of 2019

Arising Out of PS. Case No.-184 Year-2013 Thana- SARAIYA District- Muzaffarpur

1. Md. Chunnu S/o Late Mohammad Nasir Resident of Village- Repura Rampur Bishwanath, P.S.- Saraiya (Jaintpur O.P.), District- Muzaffarpur.
2. Maimun Nisa W/o Late Mohammad Nasir Resident of Village- Repura Rampur Bishwanath, P.S.- Saraiya (Jaintpur O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Karn, Advocate

For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in **Saraiya P.S. Case No. 184 of 2013 corresponding to Sessions Trial NO. 1926/2019**, registered for the offence punishable under Sections 304(B), 201 and 34 of the Indian Penal Code.

Petitioner no. 1 is brother-in-law (Dewar) and petitioner no. 2 is mother-in-law of the deceased.

It is submitted by learned counsel appearing on behalf of petitioner that petitioners have falsely been implicated in this case. After investigation the police has submitted final form, however, differing with the same, learned Judicial Magistrate,



Muzaffarpur vide order dated 26.02.2014 took cognizance under Section 304(B), 201 and 34 of the Indian Penal Code. It is further submitted that husband of the deceased has already been granted bail by this court vide order dated 25.06.2014 passed in Cr. Misc. No. 18474 of 2014. Petitioners have got clean antecedent.

Considering the facts aforesaid, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **Judicial Magistrate Ist Class, Muzaffarpur** in connection with **Saraiya P.S. Case No. 184 of 2013 corresponding to Sessions Trial No. 1926 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be



cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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