

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7145 of 2020

Arising Out of PS. Case No.-89 Year-2019 Thana- JALE District- Darbhanga

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1. SUSHIL SHARMA S/o Ram Chandra Sharma R/o Mohalla/Village- Malik Pur, P.S.- Jalley, District- Darbhanga
 2. Poonam Devi W/o Dhanraj Sharma R/o Mohalla/Village- Jai Nagar, P.S.- Jainagar, Distt.- Madhubani
 3. Ram Saran Thakur @ Ram Saran Sharma S/o Late Soman Thakur R/o Mohalla/Village- Bihari, P.S.- Jalley, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Kedar Jha, Advocate

For the Opposite Party/s : Mr Md Mushtaque Alam, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 24-08-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners apprehend their arrest in connection with Jalley Police Station (for brevity, *PS*) Case No 89 of 2019



instituted for the offence punishable under Section (s) 302, 201/34 of Indian Penal Code.

The first information report (for brevity, FIR) alleges that Rinku Devi (sister of the informant) has been done to death by setting her ablaze. It is submitted by the petitioners' counsel that the marriage of the victim was solemnized 12 years back even as per FIR. Petitioner No 1 is a distant relative of the deceased being brother of her *Nandosi*. Petitioner No 2 is married *Nanad* of the deceased staying away from the family. Petitioner No 3 is elderly person (father-in-law aged about 70 years). It is submitted that there is no eye witness in the case and that in fact the case is one of suicide.

Learned APP for the State has opposed the prayer for bail. It is submitted that the petitioners have been named in the FIR.

In the facts and circumstances of the case, prayer of petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Darbhanga in connection with Jalley PS Case No



89 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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