

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23525 of 2020**

Arising Out of PS. Case No.-143 Year-2019 Thana- NAUTAN District- Siwan

1. Rinku Kumari D/o Hiralal Prasad, W/o Sandeep Kharwar @ Sanjeet Kumar Kharwar @ Sanjeet Kumar R/o village- Sujaw, P.S.- Nautan, District- Siwan
2. Sandeep Kharwar @ Sanjeet Kumar Kharwar @ Sanjeet Kumar S/o Rajendra Prasad Kharwar @ Rajendra Kharwar R/o village- Sujaw, P.S.- Nautan, District- Siwan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 04-12-2020 Heard Mr. Sharda Nand Mishra, learned counsel for the
petitioners and Mr. Bharat Bhushan, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Nautan P.S. Case No. 143 of 2019 registered for the offences punishable under Sections 304(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that there is a general and omnibus kind of allegation in the First Information Report against the entire family of the petitioners. Learned counsel points out that petitioner no. 1 is the gotni and petitioner no. 2 is bhaisur of the deceased. So far as these two petitioners are concerned, they are separate in mess and business and they have no influence in the day-to-day affairs of the family of the deceased and



her husband. It is further submitted that the First Information Report has been lodged by the brother of the deceased on the basis of the information received by him from his mother but the mother has not been examined in course of investigation. It is also submitted that there is no independent witness alleging any role of these two petitioners in the alleged occurrence of burning in which the sister of the informant died in course of her treatment.

Mr. Bharat Bhushan, learned APP for the State has gone through the case diary. Learned APP has submitted that the mother has not been examined in this case and the only independent witness who has been examined in paragraph '19' of the case diary has stated that he heard about the burning of the daughter-in-law of Rajendra Kharwar who was taken to hospital and died in course of her treatment.

Having regard to the facts and circumstances of the case wherein there is no independent material coming against these petitioners and they are said to be the gotni and bhaibur of the deceased, let in case of their arrest or surrender the petitioners above named within a period of four weeks from today in connection with Nautan P.S. Case No. 143 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Siwan, subject to the condition as laid down under Section 438(2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

