

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71538 of 2021

Arising Out of PS. Case No.-61 Year-2021 Thana- MANSURCHAK District- Begusarai

1. Avnish Kumar Das @ Avinash Kumar Son of Mahendra Das Resident of village - Govindpur, Ward No.- 02, P.S.- Mansoorchak, District - Begusarai.
2. Avnit Kumar @ Avnit Kumar Das Son of Mahendra Das Resident of village - Govindpur, Ward No.- 02, P.S.- Mansoorchak, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar Gautam, Adv.
For the Opposite Party/s	:	Mr. Ajay Kumar No. 2, APP
For the Informant/s	:	Mr. Sabal Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-10-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Mansoorchak P.S. Case No. 61 of 2021 lodged under Sections 328, 302, 34 of the I.P.C.

As per the prosecution case, the informant has disclosed that marriage of her daughter was solemnized with the brother of the petitioners. From the wedlock, they have one son and one daughter. It has been alleged that under conspiracy, the family members has imposed poison to her daughter, in result

she died. The informant has made allegation against 5 named accused persons that is family members of the husband of her deceased daughter.

Learned counsel for the petitioners submit that they are the *dewars* of the deceased. He submits that there are 2 statements under Section 164 of Cr.P.C. One is of the daughter of deceased and another is of the husband of deceased. Both are in contradiction with each other. Learned counsel submits that petitioners are having clean antecedent and they are in custody since 31.08.2021, charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that statement under Section 164 of Cr.P.C. of a child is there but he also accepts that the statement under Section 164 of Cr.P.C. of father of the child is also there and both are in contradiction.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Begusarai in connection with Mansoorchak P.S. Case No. 61 of

2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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