

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3775 of 2023

Arising Out of PS. Case No.-91 Year-2022 Thana- SHRI NAGAR District- Madhepura

1. MD. IJRAIL Son of Md. Videshi
2. MAJIDA KHATOON @ MAHJIDA KHATOON Wife of Md. Videshi.
Both R/v- Pokharia, Ward No. 1, P.S.- Shrinagar, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-07-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail, who are in custody since 07.08.2022 in connection with Shrinagar P.S. Case No.91 of 2022, F.I.R. dated 06.08.2022 registered for the offence punishable under Section 302, 201/34 of the Indian Penal Code.

Allegation against the petitioners is that they alongwith other co-accused persons have in furtherance of their common intention committed the death of the sister and niece of the informant.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis that the



petitioners are in-laws of the deceased. Further submits that it appears from the FIR that there is no acquisition of any assault or overt-act attributed against both the petitioners rather there is general and omnibus allegation and in fact the informant is not the eye witness of the alleged occurrence and the petitioner No.1 is step-brother-in-law of the deceased and petitioner No.2 is step-mother-in-law of the deceased and the husband of the deceased, namely, Md. Jubrial is already in custody since 22.08.2022 and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 07.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the aforesaid fact, let the petitioners, above named, be released 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 learned Sub Divisional Judicial Magistrate, Madhepura in connection with Shrinagar P.S.Case No.91 of 2022 , with the following conditions:-

(1) 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



on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

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

(3) 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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