

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25466 of 2023

Arising Out of PS. Case No.-223 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

1. Bimal Devi Wife Of Sanjay Sah Resident of village - Bidgama, P.S. - Patory, Distt. - Samastipur
2. Ranjan Devi D/O Sanjay Sah Resident of village - Bidgama, P.S. - Patory, Distt. - Samastipur
3. Chandan Sah @ Chandan Kumar Son Of Sanjay Sah Resident of village - Bidgama, P.S. - Patory, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-10-2023 Heard learned counsel for the petitioners and Mr. Chandra Sen Prasad Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 08.06.2022 the son of the informant had gone to his sasural to bring his wife back to the matrimonial home. On 11.06.2022, the informant came to know that his son has been killed and his body has been thrown in a sack. Later on from the sources, he learnt that all the accused persons have killed his son and thrown his dead body.

4. Learned counsel for the petitioners submits that the



petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the informant is not an eye witness of the alleged occurrence and merely on the basis of suspicion, the petitioners and their family members have been implicated in the present case and in fact petitioner no. 1 is the mother-in-law and petitioner no. 2 is the wife and petitioner no. 3 is the brother-in-law of the deceased and it appears from the F.I.R. that there is general and omnibus allegations against all the accused persons including these petitioners and no cogent material has come during investigation to suggest the involvement of the petitioners in the present occurrence except the suspicion.

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

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur in connection with Patory P.S. Case No. 223 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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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