

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37619 of 2023**

Arising Out of PS. Case No.-234 Year-2017 Thana- PIPRAKOTHI District-
East Champaran

- =====
1. RAJWATI DEVI @ RAJWANTI DEVI Wife of Lalan Verma Resident of village - Hariya Kushwaha, P.s. - Rewati, Distt. - Baliya (U.P.)
 2. Sunita Devi Wife of Shankar Verma @ Jai Shankar Sharma @ Jai Shankar Verma Resident of village - Hariya Kushwaha, P.s. - Rewati, Distt. - Baliya (U.P.)
 3. Shankar Verma @ Jai Shankar Sharma @ Jai Shankar Verma Son of Lalan Verma Resident of village - Hariya Kushwaha, P.s. - Rewati, Distt. - Baliya (U.P.)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Md. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-10-2023 Heard Mr. Abhishek Kumar, learned counsel for the

petitioners and Mr. Md. Matloob Rab, learned A.P.P. for the State.

The petitioners apprehend their arrest in Piprakothi
P.S. Case No. 234 of 2017 registered for the offence under
Sections 302, 364, 120(B), and 201 of the Indian Penal Code.

The informant suspects that her husband has been
killed by the petitioners with intention grab his money.

Learned counsel appearing for the petitioners submits
that the petitioners, who are of clean antecedent, are innocent
and have falsely been implicated in this case. He further submits



that on bare perusal of the F.I.R., it appears that there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that mere on the basis of suspicion, the petitioners have been made accused in this case. He further submits that it has come during course of investigation that dead body of husband of the informant has not been found and the police has submitted charge-sheet under Section 302, 364, 120(B) and 201 of the Indian Penal Code against the co-accused, Lalan Sharma on 12.03.2023 keeping the investigation open against the petitioners. Save and except the suspicion, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioners in the alleged occurrence.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Piprakothi P.S. Case No. 234 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also 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 canceled 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.

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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