

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81940 of 2023

Arising Out of PS. Case No.-360 Year-2023 Thana- RAJAON District- Banka

-
1. Uday Das Son Of Kailash Das Resident Of Village- Balthara, Ps- Nawada Bazar, Dist- Banka
 2. Sukhiya Devi Wife Of Kailash Das Resident Of Village- Balthara, Ps- Nawada Bazar, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar @Deepak Sahay, Advocate
For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr. Sanjeev Kumar @ Deepak Sahay, learned counsel for the petitioners and Mrs. Madhuri Lata, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rajoun (Nawada O.P.) P.S. Case No.360 of 2023, F.I.R. dated 20.07.2023 for the offences punishable under Sections 328, 302 and 120(B) of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioners are said to have killed the daughter of the informant by giving poison.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case merely on the ground that the petitioners are in laws of the deceased. He submits that petitioner no.1 is brother-in-law and petitioner no.2 is mother-in-law of the deceased. He further submits that from bare perusal of the FIR it appears that the informant himself stated in the FIR that deceased has committed suicide herself. He submits that father-in-law of the deceased, namely, Kailash Das has already been granted anticipatory bail vide order dated 18.01.2024 passed in Cr. Misc. No. 82907 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Rajoun (Nawada O.P.) P.S. Case No. 360 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

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

ii. 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.

iii. 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 bonds 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)

ajay/-

U		T	
---	--	---	--

