

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44716 of 2014

Arising Out of PS.Case No. -181 Year- 2013 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. MUNNI DEVI WIFE OF RAGHUNATH MAHTO
 2. RAGHUNATH MAHTO, SON OF RAMPRIT MAHTO
 3. SANTOSH MAHTO, SON OF LATE JAGNARAYAN MAHTO.
ALL R/O VILLAGE-KAZRAHA, P.S.-MADHUBAN, DISTRICT-
EAST CHAMPARAN (MOTIHARI).

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Adv.

For the Opposite Party/s : Mr. Amrendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 09-04-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Informant, who happens to be brother of deceased after coming to know about commission of murder of deceased by the petitioner along with others rushed to Sasural of deceased and found cremation was going on. Anyhow dead body in burnt condition was taken out after extinguishing fire. Then, it has been disclosed that at an earlier occasion family was joint. After birth of male child, Bhaisur of his sister (one of the accused) separated her. To earn his livelihood, his brother-in-law had gone to Delhi where he is a rickshaw puller. It has further been alleged that in absence of his brother-in-law, the accused persons committed murder of his sister in order to grab the land.



It has been submitted on behalf of petitioners that from the FIR itself it is apparent that family are separate in mess and business for the last several years and on account thereof, there was no occasion for the petitioners to put greedy eye upon the property falling under share of deceased because of the fact that even after death of deceased, the line of inheritance survive whereunder interest of petitioner is found completely excluded. Furthermore, it has been submitted that as the deceased had committed suicide on account of the reason best known to deceased. As husband of deceased was not present so, after informing the Naiharwala of deceased, petitioner, being a close Pattidar proceeded in cremation at the other end been penalized by the Naiharwala of deceased for their no fault. As such, petitioners are entitled for anticipatory bail.

The learned Additional Public Prosecutor opposed the prayer.

Gone through the case diary. From perusal of the case diary, it is evident that charge sheet has already been submitted under Section 306, 201, 34 of the Indian Penal Code. Furthermore, status of the accused as an abettor is found under para-37 as well as 38 of the case diary and on account thereof, I do not see it a fit case for grant of an anticipatory bail. Accordingly,

prayer for anticipatory bail is rejected. Petitioner is directed to surrender before the learned lower court with a prayer for bail which, the learned lower court will consider without being influenced by the order impugned.

(Aditya Kumar Trivedi, J.)

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