

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52889 of 2016

Arising Out of PS.Case No. -279 Year- 2016 Thana -SONEPUR District- SARAN

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1. Lalan Mahto, Son of Late Kapildev Mahto,
2. Sheopati Devi, Wife of Lalan Mahto
3. Suraj Mahto, Son of Lalan Mahto
4. Dinesh Mahto, Son of Lalan Mahto
5. Munni Devi D/o Lalan Mahto.
All resident of Village – Baijalpur, P.S. Sonpur, District- Saran.
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nalin Kumar
For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 21-12-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This is an application for grant of anticipatory bail for the
offences punishable under Sections 304(B), 201/34 of the Indian
Penal Code and Section 3/4 of the Dowry Prohibition Act.

Petitioner no. 1, is the father-in-law, petitioner no. 2 is the
mother-in-law, petitioner Nos. 3 and 4, are the brothers-in-law and
petitioner no. 5, is the married sister-in-law of the deceased.

It has been submitted on behalf of the petitioners that as a
matter of fact, the deceased died due to diarrhea and when they
informed the informant about the said occurrence, the informant
instead of doing anything, has falsely instituted the present case.



The petitioners are nowhere concerned with the affairs of the deceased and her husband, however, they have been falsely implicated in the present case.

Heard learned A.P.P. also.

Having heard both sides and in view of the fact that from perusal of the impugned order, it appears that previously a bond has been executed by the petitioners' family stating therein, that they will not torture the girl in future, I am not inclined to grant the petitioner Nos. 1 and 2, the privilege of anticipatory bail, it is accordingly rejected.

However, if the petitioners surrender before the Court below within a period of four weeks from today, their prayer for grant of regular bail, may be considered by the learned Court below on its own merit, without being prejudiced by the order of this Court.

So far as petitioner nos. 3, 4 and 5 are concerned, having regard to the facts and circumstances of the case and as they are brothers-in-law and nanad, it is directed that they, in the event of their arrest or surrender before the court below within a period six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at



Chapra, in connection with Sonpur P.S. Case No. 279 of 2016,
subject to the condition laid down under Section 438 (2) of the
Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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