

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35377 of 2016

Arising Out of PS.Case No. -115 Year- 2016 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Neha Kumari daughter of Late Gaya Mahto.
 2. Musmat Malti Kunwar wife of Late Gaya Mahto.
 3. Sri Ram Mahto son of Late Basdeo Mahto.
 4. Sheopujan Mahto son of Dhora Mahto.
 5. Bachu Mahto son of late Sunar Mahto.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-09-2016 Heard learned counsels for the petitioners and the State.

The petitioners being the sister, mother and the distant relatives of the husband of the daughter of the informant are apprehending arrest in a case registered for the offences punishable under Sections 498A, 365, 304B and 120/34 of the Indian Penal Code.

The prosecution case is that the informant married his daughter Sushila Devi with Guddu Mahto but subsequently she was being torture for dowry demand of motorcycle. The informant tried to pacify the issue but the petitioner nos. 4 and 5 asked the informant to supply Hero Honda motorcycle otherwise she will not be allowed to go to her parents house. It is also alleged that in-

laws including the petitioners used to torture the daughter of the informant. The informant came to know that his daughter has been confined somewhere in order to put pressure to fulfill the dowry demand.

It is submitted by the learned counsel for the petitioners that thrust of accusation is against the husband of the victim. The daughter of the informant/victim went traceless in the night on 11.1.2016 for which the husband of the victim lodged a Sanha on 12.1.2016, the same has been brought on record as Annexure-2, but the informant lodged the complaint on 02.03.2016 which came to be registered as a police case on 01.04.2016. The accusation has been levelled only on suspicion.

Mr. J.N. Thakur, learned APP, after going through the case diary, submits that during investigation, so far the death has not been ascertained. There is no eye-witness to the incident and investigation has still not concluded.

Considering the thrust of accusation against the husband of the victim and the fact that the investigating agency till date has not reached to the conclusion whether the victim is dead or alive, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on

furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran in connection with Muffasil P.S. Case No. 115 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners shall be accepted by the learned court below on filing separate affidavit by each petitioner that they will cooperate during investigation. The non-cooperation by the petitioners during investigation, will give liberty to the learned court below to cancel the bail bonds of the petitioners.

(Dinesh Kumar Singh, J)

Amrendra/-

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