

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23149 of 2018

Arising Out of PS.Case No. -753 Year- 2017 Thana -SITAMARHI District- SITAMARHI

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1. Ganeshi Mahto, S/o Shukhdeo Mahto,
2. Shushila Devi W/o Ganeshi Mahto, Both R/o Vill.- Janki Nagar, P.S.-
Bathnaha and District- Sitamarhi.

.... Petitioner/s

Versus

1. 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

2 26-04-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 304(B)/34 of the IPC

The prosecution case got initiated with the fardbeyan of Hulash Mahto recorded by S.I. Sitamarhi P.S. on 19.09.2017 at 3 P.M., to the effect that the informant performed the marriage of his daughter Kavita Kumari with Lalit Kumar on 4th May, 2016. After the marriage, further demand of motor cycle was made. About 4-5 months prior to the lodging of the case, the informant brought his daughter to his native place. On 17.09.2017, Lalit Kumar, the son-in-law of the informant with another unknown person came and took away the daughter of informant on motorcycle on the pretext of taking her to her matrimonial house. On 19.09.2017, the informant came to know that the dead body of his daughter was floating in a



pond.

It is submitted by learned counsel for the petitioner that the demand of dowry as well as the allegation of taking the victim girl from the informant's house, is specifically levelled against the husband of the informant, Lalit Kumar. The petitioners are old parents of Lalit Kumar.

Learned counsel for the A.P.P., however, submits that the acquisition for torture has been levelled against the petitioners.

From perusal of post-mortem report, it appears that the cause of death was due to asphyxia leading to CR failure as a result of injuries caused by hard and heavy object.

Considering the facts aforesaid and the fact that the thrust of accusation is against the husband of the informant and the petitioners being old persons, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Sitamarhi P.S. Case No.753 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Sanjeev/-

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(Dinesh Kumar Singh, J)

