

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53384 of 2019

Arising Out of PS. Case No.-30 Year-2019 Thana- SARAIYA District- Muzaffarpur

1. Kushm Devi @ Kushmi Devi W/o Raju Mahto Resident of Village - Bakhra, P.S.- Saraiya, Dist.- Muzaffarpur.
2. Ranjan Mahto @ Ranjan Kumar Son of Raju Mahto Resident of Village - Bakhra, P.S.- Saraiya, Dist.- Muzaffarpur.
3. Raju Mahto Son of Jaish Mahto Resident of Village - Bakhra, P.S.- Saraiya, Dist.- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms Priyanka Sinha, Adv.
For the Opposite Party/s : Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with Saraiya P.S. Case No. 30 of 2019 registered under Sections 304-B, 302, 201, 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

As per allegation made in the FIR, the daughter of the informant was married to one Nawal Mahto on 04.04.2011. Out of the said wedlock, two sons were born, namely, Pawan Kumar and Sahil Kumar. Thereafter, the accused persons started subjecting the daughter of the informant to cruelty for demand



of dowry, which was informed to the informant by the victim. On 29.08.2018, when the informant visited the matrimonial home of his daughter, neither his daughter nor her two sons were found present in the house. On enquiry also, the accused persons failed to disclose the whereabouts of his daughter and grand sons. The informant suspected that his daughter and her two sons have been killed by the accused persons due to non-fulfillment of demand of dowry.

It is contended by the learned counsel for the petitioners that the petitioner no.1 is the mother-in-law, petitioner no.2 is the brother-in-law (devar) and petitioner no.3 is the father-in-law of the deceased and they are separate in mess and business from Nawal Mahto, the husband of the deceased. She has further contended that the daughter of the informant and her sons are living at Kolkata along with own brother-in-law and other family members and this false case has been instituted.

On the other hand, learned counsel appearing for the State submitted that the case has been investigated upon and supervised by the superior police officer and the allegations made in the FIR have been found true. He contended that till date the victims have not been recovered. There is no material



available in the case diary to suggest that the victims are still alive.

Be that as it may, since the investigation of the case is going on and the three victims are still traceless, I am not inclined to grant pre-arrest bail to the petitioners. The application is rejected.

(Ashwani Kumar Singh, J)

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