

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52594 of 2019

Arising Out of PS. Case No.-117 Year-2019 Thana- CHIRAIYA District- East Champaran

1. NANHAK MAHTO, Son of Sukhdeo Mahto
 2. Lila Devi Wife of Nanhak Mahto
 3. Gopal Kumar Son of Nanhak Mahto
 4. Chandan Mahto Son of Nanhak Mahto
- All are resident of Village - Ruphara, P.S.- Shikarganj (Chiraiya), Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 16-11-2019 Since as submitted by learned counsel for the petitioners, petitioner no.3, Gopal Kumar has been arrested, hence, this application with respect to him has now become infructuous and is accordingly, disposed of.

Heard learned Counsel for the petitioners and learned APP for the State.

Petitioners nos. 1, 2 and 4 are apprehending arrest in a case registered for the offences punishable under Sections 304B and 201/34 of the Indian Penal Code.

The prosecution case as per the written report of Ram



Janam Mahto is to the effect that the his daughter was married with co-accused, Sunil Mahto about six years prior to lodging of the present case. Thereafter, the daughter of the informant was being tortured for non-fulfillment of further dowry demand by the FIR named accused persons. On 17.03.2019, the informant came to know that her daughter and eight months' grand-daughter have killed by putting the house on fire.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against the husband of the daughter of the informant who is in custody. In fact, on the alleged date of occurrence, the petitioners were not present at the place of occurrence, as they had gone to harvest the wheat crops and in the meantime, the fire broke in the house, as a result, the informant's daughter and grand-daughter received burn injuries. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

After going through the case diary, learned APP for the State submits that after six years marriage, the daughter and grand-daughter of the informant were burnt to death.

Considering the thrust of accusation against the husband of the victim and there is nothing on record to suggest that when the fire broke in the house, the petitioners were



present at the place of occurrence, let petitioner nos. 1, 2 and 4 above named 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 Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Sikrahana at Dhaka, East Champaran in connection with Chiraiya P.S. Case No.117 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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