

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63333 of 2019

Arising Out of PS. Case No.-158 Year-2019 Thana- PATAHI District- East Champaran

1. PINKI DEVI Wife of Ranjeet Mahto Resident of Village- Rupani, P.S.- Patahi, District- East Champaran.
2. Nirmala Devi Wife of Nandkishore Mahto Resident of Village- Rupani, P.S.- Patahi, District- East Champaran.
3. Nandkishore Mahto Son of Bhuneshwar Mahto Resident of Village- Rupani, P.S.- Patahi, District- East Champaran.
4. Rajeev Mahto Son of Nandkishore Mahto Resident of Village- Rupani, P.S.- Patahi, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s :Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners in the present case are seeking anticipatory
bail in connection with Patahi P.S. Case No. 158 of 2019
registered for the offence punishable under Sections 304(b),
201/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that so far
as these petitioners are concerned, petitioner no. 1 is the Gotni,
petitioner no. 2 is the mother-in-law, petitioner no. 3 is the
father-in-law and petitioner no. 4 is the brother-in-law of the



deceased. The husband is already in judicial custody.

Learned counsel submits that there are general and omnibus allegations against the accused persons. So far as these petitioner are concerned, particularly petitioner no. 1 and 4, they are co-sharers and are living separately and have no concern with the family affairs of the deceased.

Learned APP for the State, however, submits that in this case the investigation has revealed that the dead body of the deceased was found in a jute bag and the accused persons were going to burn her, in the meantime police came and seized the dead body which was substantially burnt. It is submitted that in such circumstances where the dead body has been found inside the house, the petitioners cannot escape their responsibility.

Having heard learned counsel for the petitioner and learned APP for the State, taking note of the submission of learned counsel for the petitioners that so far as petitioner no. 1 and 4 are concerned, they are co-sharer and though they are living in the house but have no concern with the family affairs of the deceased and nothing has come in the case diary to specifically make allegations against them, let the petitioners no. 1 and 4 above named in case of their arrest or surrender within a period of four weeks from today in connection with Patahi P.S.



Case No. 158 of 2019 be released on bail on furnishing of bail bonds of Rs.15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned 8th Additional Chief Judicial Magistrate, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required:

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

So far as petitioner no. 2 and 3 are concerned, they are the mother-in-law and father-in-law respectively and learned APP for the State has submitted that they were very much residing there in the house and the dead body was seized from a jute bag, this Court is not inclined to grant them privilege of anticipatory bail. Prayer of anticipatory bail to petitioner no. 2 and 3 is thus rejected.



In case they surrender and pray for regular bail within a period of four weeks from today before the learned court below their prayer for regular bail shall be considered at its own merit without being prejudiced by the present order.

(Rajeev Ranjan Prasad, J)

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