

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76743 of 2019

Arising Out of PS. Case No.-205 Year-2019 Thana- GAIGHAT District- Muzaffarpur

1. Suresh Mahto, Son of Dasai Mahto, Resident of Village - Kumhraur, P.S.- Gaighat, District - Muzaffarpur.
2. Sunil Mahto, Son of Suresh Mahto, Resident of Village - Kumhraur, P.S.- Gaighat, District - Muzaffarpur.
3. Sita Devi, Wife of Suresh Mahto, Resident of Village - Kumhraur, P.S.- Gaighat, District - Muzaffarpur.
4. Sumitra Devi @ Halu Devi, Wife of Sunil Mahto, Resident of Village - Kumhraur, P.S.- Gaighat, District - Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr.Rajendra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-03-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners in the present case are seeking anticipatory bail in connection with Gaighat P.S. Case No. 205 of 2019 registered for the offences punishable under Sections 341, 323, 325, 307, 498(A) and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act and later on Section 304(B) has been added.

Learned counsel for the petitioners submits that the petitioner no. 1 is the father-in-law, petitioner no. 2 is the



younger brother of the husband, petitioner no. 3 is the mother-in-law and petitioner no. 4 is the Gotini (brother's wife) of the deceased. It is submitted that these petitioners are living separately as the deceased and her husband had been maintaining a separate household.

Learned counsel further submits that by making general and omnibus allegations all the petitioners have been made accused in the present case, however, in course of investigation it has come in the case diary that the deceased had committed suicide because of her matrimonial discord with her husband. It has also come that the husband of the deceased had taken her to the hospital for treatment, the alleged occurrence had taken place on 16.06.2019 whereas the fardbeyan was recorded on 25.06.2019 and F.I.R. has been lodged on 12.07.2019. Learned counsel submits that in course of investigation no material at all has come through any independent witness to suggest involvement of these petitioners in the alleged occurrence.

Learned A.P.P. for the State is present. He has referred the case diary and submitted before this Court that in the case diary there is no specific and independent allegation through any independent witness against these petitioners and it has



come to a case of suicide.

In the given facts and circumstances of the case, where these petitioners are the in-laws, the younger brother and his wife and in course of investigation no independent witness has come to support the allegations against these petitioners as also no material has been brought to the notice of this Court to suggest involvement of the petitioners in committing torture against the deceased, let the petitioners above named in the event of their arrest or surrender within a period of six weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Judge-16-cum-A.C.J.M., Muzaffarpur in connection with Gaighat P.S. Case No. 205 of 2019, subject to the condition 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 or to any police



officer;

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

(Rajeev Ranjan Prasad, J)

vats/-

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