

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85981 of 2019

Arising Out of PS. Case No.-70 Year-2019 Thana- KATHAIYA District- Muzaffarpur

1. Shankar Mahto Son of Late Jagrnath Mahto Resident of Village - Gwaspur, P.S.- Kathaiya, District - Muzaffarpur (As per F.I.R) At present resident of village - Jataulia Narwara, P.S.- Kathaiya, District - Muzaffarpur.
2. Aasha Devi Wife of Shankar Mahto Resident of Village - Gwaspur, P.S.- Kathaiya, District - Muzaffarpur (As per F.I.R) At present resident of village - Jataulia Narwara, P.S.- Kathaiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar
For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-01-2020 Heard the learned counsel for the petitioners and the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Kathaiya P.S. Case No. 70 of 2019, registered for the offence punishable under Sections 304(B)/34 of the Indian Penal Code.

The allegation is regarding the accused persons having killed the daughter of the informant on account of non-fulfillment of the demand for dowry.

The learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case.



It is further submitted that as far as the petitioner no. 1 is concerned, he is the father-in-law of the deceased victim lady and the petitioner no. 2 is the mother-in-law of the deceased victim lady. It is further submitted that the petitioners are having a clean antecedent and if at all, anyone is having complicity in the matter, it might be the husband of the deceased victim lady, namely, Guddu Mahto. Upon instructions, the learned counsel for the petitioners has submitted that the husband of the deceased victim lady is willing to surrender before the learned court below, hence, the petitioners may be granted anticipatory bail, subject to surrender of the husband of the deceased victim lady.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, I deem it fit and proper to direct for admitting the petitioners to the privilege of anticipatory bail, subject to them producing the surrender certificate regarding surrender by the husband of the deceased victim lady, namely, Guddu Mahto before the learned court below and further subject to such conditions as may be deemed fit and proper to be imposed by the learned court of Judicial Magistrate 1st Class, Muzaffarpur in connection



with Kathaiya P.S. Case No. 70 of 2019.

With the aforesaid observations and directions, the
present petition stands disposed of.

(Mohit Kumar Shah, J)

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