

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39831 of 2021**

Arising Out of PS. Case No.-197 Year-2020 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. Ranjeet Kumar Mahto @ Ranjeet Mahto, age about 40 years (M)
 2. Raja Mahto @ Raja Kumar, age about 30 years (M).
Both sons of Late Rambali Mahto
 3. Bindu Devi, Wife of Ranjeet Kumar Mahto, age about 35 years (F)
 4. Kiran Devi, Wife of Late Rambali Mahto, age about 65 years (F).
All resident of Village- Bahadurchak, P.S.- Mohiuddin Nagar, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate
For the State	:	Mr. Md. Matloob Rab, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 06-09-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioners, which was allowed.

3. Heard Mr. Santosh Kumar, learned counsel for the petitioners and Mr. Md. Matloob Rab, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

4. The petitioners apprehend arrest in connection with Mohiuddin Nagar PS Case No. 197 of 2020 dated 16.10.2020, instituted under Sections 304(B)/34 of the Indian Penal Code.



5. The allegation against the petitioners, who are the in-laws of the deceased, is that they were party to the killing of the daughter of the informant, who was the wife of one of the sons of petitioner no. 4, namely, Dashrath Mahto, not a petitioner herein.

6. Learned counsel for the petitioners submitted that in the FIR itself it has been stated that it was the petitioner no. 4, the mother-in-law who had informed with regard to killing of the daughter of the informant. Learned counsel submitted that falsity of the allegation would be clear from the fact that it cannot be believed that a person who has committed a crime would ring the informant to say that they had committed the crime of killing the daughter of the informant. Learned counsel submitted that even otherwise there was no intention of any foul play because it was not the informant who had intimated the police and rather the police had come there and, in the FIR also, it has been stated that some villagers had informed the police. Learned counsel submitted that the petitioners no. 1 and 2 reside at Midnapur in the State of West Bengal and are truck drivers for Amar Transport and both of them as well as the petitioner no. 3, who is the wife of petitioner no. 1, were living at Midnapur on the date of the incident. Learned counsel submitted



that the husband of the deceased is in custody. It was further submitted that in the post-mortem only ligature mark has been found on the neck which indicates death by asphyxia due to hanging and no other injury has been found on the body of the deceased.

7. Learned APP submitted that the petitioners being the relatives of the husband of the deceased cannot claim to be innocent.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of the fact that the deceased was brought by her husband a day prior to the incident and the post-mortem report not disclosing any injury on the body except for ligature mark on the neck which shows death by hanging as also the stand taken by petitioners no. 1 and 2 that they are working at Midnapur, in support of which a certificate has been granted by the said transport company, the Court is inclined to allow the prayer for pre-arrest bail.

9. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the



like amount each to the satisfaction of the learned ACJM IV, Samastipur in Mohiuddin Nagar PS Case No. 197 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, and (ii) that the petitioners shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of their bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

11. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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