

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31294 of 2020**

Arising Out of PS. Case No.-69 Year-2020 Thana- DERNI BAZAR District- Saran

1. Satendra Mahto, Son of Sukhi Mahto @ Ram Naresh Mahto, Resident of Village - Hariharpur, P.S. - Derani, District - Saran.
2. Dipu Mahto, Son of Sukhi Mahto @ Ram Naresh Mahto, Resident of Village - Hariharpur, P.S. - Derani, District - Saran.
3. Sukhi Mahto @ Ram Naresh Mahto, S/O Late Sakaldeo Mahto, Resident of Village - Hariharpur, P.S. - Derani, District - Saran.
4. Pushpa Devi, W/O Satendra Mahto, Resident of Village - Hariharpur, P.S. - Derani, District - Saran.
5. Krishna @ Krishna Mahto, S/O Musafir Mahto, Resident of Village - Hariharpur, P.S. - Derani, District - Saran.
6. Amresh @ Amresh Kumar, S/O Mahangu Mahto, Resident of Village - Hariharpur, P.S. - Derani, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anjani Parashar, Advocate  
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      08-01-2021                      Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Derani P.S. Case No.69 of 2020 registered for the offence punishable under Sections 304B, 201/34 of the Indian Penal Code.

Petitioner Nos.1 and 2 are *Devar* of the victim, Petitioner No.3 is the father-in-law, Petitioner No.4 is the



*Gotani* and petitioner Nos.5 and 6 are co-villagers. The present prosecution in respect of the offence under Section 304B I.P.C. has been launched on an F.I.R. lodged by the father of the victim, alleging that his daughter has been done to death at her matrimonial home.

It is submitted by the petitioners' counsel that by virtue of their relation with the husband of the victim, the petitioners have been implicated in this case, though there is no specific allegation against them. All the petitioners before this Court bear a clean past. The informant subsequently after realising his mistake has filed a petition in the trial court to the effect that the prosecution was launched on the basis of misconception and therefore the petitioners should be allowed the privilege of anticipatory bail.

Learned APP for the State has opposed the prayer for anticipatory bail.

Considering the rival submissions, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XII, Saran, in connection with Derani P.S. Case No.69 of 2020, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

**(Madhuresh Prasad, J)**

PNM

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