

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33905 of 2020**

Arising out of PS. Case No.-279 Year-2018 Thana- ALOULI District- Khagaria

1. Jay Jay Ram Mukhia, Male, aged about 38 years, S/o Jalim Mukhia Resident of Village- Ratnaha, P.S.- Alauli, District- Khagaria.
2. Govind Mukhia S/o Bisheshwar Mukhia Resident of Village- Ratnaha, P.S.- Alauli, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate  
For the State : Ms. Renu Kumari, APP

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

**Date : 09-04-2021**

The matter has been heard *via* video conferencing.

2. Heard Mr. Anil Prasad Singh, learned counsel for the petitioners and Ms. Renu Kumari, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Alauli PS Case No. 279 of 2018 dated 22.08.2018, instituted under Sections 304(B), 201, 34 of the Indian Penal Code.

4. The allegation against the petitioners is of killing the daughter of the informant and disposing off her body.

5. Learned counsel for the petitioners submitted that the petitioner no. 1 is the co-villager of the husband of the victim whereas petitioner no. 2 is the elder brother of the husband of the



victim. It was submitted that they have no role in any foul play as the petitioner no.1 has no concern with the family affairs of the victim or her in-laws and that petitioner no. 2 is separate in residence and mess from the husband of the victim. It was submitted that they have no concern with demand of dowry as the same could not have been taken by them. It was submitted that as per the FIR itself it was the father-in-law of the victim, namely, Bisheshwar Mukhiya who used to torture her for dowry demanding Rs. 50,000/- and buffalo. Learned counsel submitted that he was arrested and later granted bail. Learned counsel submitted that the petitioners, besides having no criminal antecedent, are also not involved in any such incident relating to either demand of dowry or killing and disposing of the body of the victim. It was submitted that the mother-in-law of the victim, namely, Sita Devi has been granted anticipatory bail by a co-ordinate Bench by order dated 04.04.2019 in Cr. Misc. No. 20701 of 2019.

6. Learned APP submitted that the petitioners have been named in the FIR and that they also had a role for the body was not recovered and admittedly the victim went missing from the matrimonial home.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, 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 Chief Judicial Magistrate, Khagaria in Alauli PS Case No. 279 of 2018, 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/police/prosecution. Failure to cooperate shall lead to cancellation of their bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail 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.

9.The application stands disposed off in the aforementioned terms.

**(Ahsanuddin Amanullah, J)**

Vikash/-

|          |  |
|----------|--|
| AFR/NAFR |  |
| U        |  |
| T        |  |

