

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.778 of 2021

Arising Out of PS. Case No.-31 Year-2020 Thana- BEERPUR District- Begusarai

1. PANDAV MAHTO @ PANCHANAND PRASAD KUSHWAHA Son of Narsingh Mahto Resident of Vill. - Pakri, P.S.- Birpur, District - Begusarai.
2. Dashrath Mahto Son of Narsingh Mahto Resident of Vill. - Pakri, P.S.- Birpur, District - Begusarai.
3. Nutan Devi W/O Pandav Mahto @ Panchanand Prasad Kushwaha Resident of Vill. - Pakri, P.S.- Birpur, District - Begusarai.
4. Savitri Devi W/O Ramgyan Mahto Resident of Vill. - Pakri, P.S.- Birpur, District - Begusarai.
5. Narsingh Mahto S/o Late Agnu Mahto Resident of Vill. - Pakri, P.S.- Birpur, District - Begusarai.
6. Prema Devi W/o Narsingh Mahto Resident of Vill. - Pakri, P.S.- Birpur, District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar- Advocate
For the Opposite Party/s : Dr. Indihar Kumari- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 11-08-2021 Heard Mr. Kumar Binode Bariar, the learned Advocate for the petitioners and Dr. Indihar Kumari, the learned APP for the State.

The learned Advocate for the petitioners has informed this Court that on an earlier occasion, the application with respect to petitioner no.2 was withdrawn as he had been arrested.

Today, he again informs this Court that



petitioner no.1 also has been arrested.

Thus, the application with respect to petitioner no.1 is also dismissed as having become infructuous.

The petitioner nos.3, 4 5 and 6 who are the sister-in-law and parents-in-law of the deceased respectively seek bail in anticipation of their arrest in connection with Birpur P. S. Case No.31 of 2020, instituted for the offences under Section 302/ 34 of the Indian Penal Code.

The deceased was married to one Manohar Mahto in the Year 2004. It has been alleged by her father that the deceased has been done to death under a conspiracy in which all the accused persons including the petitioner nos.3, 4, 5 and 6 have participated.

The learned Advocate for the petitioners has informed this Court that the deceased was a temperamental person who committed suicide because of a dispute with her husband. The deceased and her husband had been staying separately from other family members for a very long time.

On 25.06.2021, this Court had called for the case diary and had granted interim reprieve to the petitioner



nos.3, 4 and 6.

Perused the case diary.

Some of the witnesses have categorically stated during the course of investigation that for a long time, the deceased and her husband have been staying separately from the other family members including the petitioners.

The learned Advocate for the petitioners has also informed this Court that the husband of the deceased is in custody.

Regard being had to the afore-stated facts and the general and omnibus nature of accusation and that also having been based on suspicion, the petitioner nos.3,4 and 6 are admitted to anticipatory bail.

The provisional bail granted to them stands confirmed.

The petitioner nos.3, 4 and 6 shall remain on the same bail bonds.

With respect to petitioner no.5, he, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-VII-cum-Additional Chief Judicial Magistrate-VI, Begusarai in connection with Birpur P. S. Case No.31 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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