

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.10170 of 2021

Arising Out of PS. Case No.-243 Year-2020 Thana- PAHARPUR District- East Champaran

1. UMESH MAHTO SON OF BELAS MAHTO RESIDENT OF VILLAGE-SISWA NUNIAWA TOLA, WARD No. 12, P.O. AND P.S.- PAHARPUR, DISTRICT- EAST CHAMPARAN.
2. SUGANTI DEVI WIFE OF UMESH MAHTO RESIDENT OF VILLAGE-SISWA NUNIAWA TOLA, WARD No. 12, P.O. AND P.S.- PAHARPUR, DISTRICT- EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 29-11-2021 Heard learned counsel for the petitioners and the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 2 namely, Suganti Devi as during pendency of this application, she has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner No. 2 namely, Suganti Devi is dismissed as withdrawn.

The petitioner No. 1 is apprehending his arrest in a case registered under Sections 302, 201/34 of the Indian Penal Code.

Allegedly, the husband of the deceased namely Ramesh Mahto (co-accused) was having extra marital relationship with the Bhabhi i. e. petitioner No. 2 which was objected to by the deceased and for such reasons, the accused person had murdered her by slitting her



neck.

It has been submitted on behalf of the petitioner No. 1 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against him. The petitioner No. 1 has been falsely implicated in the present case. The petitioner No. 1 is brother-in-law of the deceased. He is separate in mess and property from husband of the deceased. He has got no concern with the affairs of husband of the deceased. The husband of the deceased is in custody.

On behalf of the State, it is submitted that the petitioner No. 1 is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner No. 1, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Paharpur P.S. Case No. 243 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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