

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76662 of 2019

Arising Out of PS. Case No.-111 Year-2019 Thana- AMNAUR District- Saran

-
1. SHATRUGHANA MAHTO @ SHATRUDHAN MAHTO Son of Late Sahadul Mahto Resident of Village - Aphar, P.S.- Amnour, District - Saran at Chapra.
 2. Mira Devi Wife of Sri Shatrughana Mahto Resident of Village - Aphar, P.S.- Amnour, District - Saran at Chapra.
 3. Laxman Mahto @ Laxuman Mahto Son of Shatrughana Mahto Resident of Village - Aphar, P.S.- Amnour, District - Saran at Chapra.
 4. Uday Mahto Son of Shatrughana Mahto Resident of Village - Aphar, P.S.- Amnour, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jeetendra Narayan
For the Opposite Party/s	:	Mr.Shailendra Kumar
For the Informant	:	Mr. Anant Kumar Bhaskar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 06-12-2021 Heard Mr. Gopal Govind Mishra, the learned

counsel for the petitioner and Mr. Anant Kumar Bhaskar, the

learned counsel for the informant. The State is represented

by the learned APP.

The petitioners seek bail in anticipation of their

arrest in connection with Amnour P.S. Case No. 111 of 2019

instituted for the offence under Sections 304-B, 201 and 34

of the Indian Penal Code.

The petitioner nos. 1 and 2 are the parents-in-law



of the deceased, whereas the petitioner nos. 3 and 4 are younger brothers of the husband of the deceased.

The learned counsel for the petitioners has submitted that there is general and omnibus allegation of the petitioners taking part in killing of the deceased.

There is no specific accusation against anyone of them.

In response to the aforesaid contention, the learned counsel for the informant has submitted that the death of the deceased took place within two years of her marriage which requires to be explained by the petitioners who had been residing in the same house in which the deceased lived shortly before her death. Apart from this, it has been submitted that the occurrence had been committed within the four-walls of the house and, therefore, the petitioners are under an obligation to explain the circumstances in which the deceased died.

The learned counsel for the petitioners, on the other hand, has submitted that the husband of the deceased is in custody and no useful purpose would be served in



sending the petitioners to jail. The petitioner nos. 1 and 2 are elderly persons of the family, who have got no concern with the affair of their son, who is the husband of the deceased. The petitioner nos. 3 and 4 are persons of very young age, who have not yet obtained employment or their independent source of living. Apart from this, it has been submitted that from the records, it appears that in the absence of the husband of the deceased, she fell ill and succumbed to her illness even though all efforts were made to put her to medication. There is nothing on record to indicate that the deceased was killed and cremated.

Considering the afore-noted facts especially that the husband of the deceased is in custody, the petitioners, above named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additonal Chief Judicial Magistrate -II, Saran at



Chapra, in connection with Amnour P.S. Case No. 111 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

However, it is made clear that the petitioner shall participate in the investigation if the investigation is still continuing and in trial if the case goes to trial. Any effort of the petitioners to keep away from investigation or trial would render the bail granted to them liable to be cancelled.

(Ashutosh Kumar, J)

sunilkumar/-

U		T	
---	--	---	--

