

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18884 of 2019

Arising Out of PS. Case No.-88 Year-2018 Thana- AURAI District- Muzaffarpur

1. RAKESH MAHTO @ RAKESH KUMAR son of Late Tuntun Mahto, Resident of Village- Ratwara Bind-Wara, P.S.- Aurai, District- Muzaffarpur.
2. Malti Devi, Wife of Late Tuntun Mahto, Resident of Village- Ratwara Bind-Wara, P.S.- Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 22-04-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Aurai P.S. Case No. 88 of 2018 registered for the offences punishable under Sections 304(B)/201/120(A)/34 of the Indian Penal Code.

No one has appeared for the petitioners on 12.06.2019.
The petitioners were granted interim protection vide order dated 29.03.2019 and it seems that they are avoiding for the disposal



of this case after getting interim order of protection.

In view of the above, the interim protection granted vide order dated 29.03.2019 is hereby vacated.

Heard Shri Jharkhandi Upadhyay, learned Additional Public Prosecutor for the State.

The petitioner No. 1 is the husband of the deceased whereas the petitioner No. 2 is the mother-in-law of the deceased.

The marriage was solemnized on 05.03.2018 and, thereafter, for demand of dowry and torture, the deceased has been killed as per the F.I.R. though the petitioner No. 1 has submitted in the bail petition that he was not present in Bihar, but this defence cannot be examined in the bail application until and unless the same has been found true by the Investigating Officer during course of investigation. So far as the petitioner No. 2 is concerned, she is 72 years old mother-in-law of the deceased and there is general and omnibus allegation against her.

Considering the fact that there is direct allegation against petitioner No. 1, his prayer for grant of anticipatory bail is rejected.

So far as the petitioner No. 2 is concerned,



considering the fact that she is 72 years old lady and there is general and omnibus allegation against her, her prayer for grant of anticipatory bail is allowed.

Accordingly, let the **petitioner No. 2 (Malti Devi)** be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, XIII, Muzaffarpur, in connection with Aurai P.S. Case No. 88 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Sandeep Kumar, J)

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