

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51637 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- AURAI District- Muzaffarpur

1. YOGENDRA MAHTO Son of Ganga Mahto Resident of Village - Panapur, P.S.- Aurai , Distt.- Muzaffarpur.
2. Dipiya Devi W/o Yogendra Mahto Resident of Village - Panapur, P.S.- Aurai , Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Satyendra Prasad

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 10-10-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

It appears that the anticipatory bail petition as against petitioner no. 2 stood dismissed as withdrawn by order dated 12.04.2022.

Heard the learned counsel for the petitioners and learned APP for the State.

Petitioner no.1 apprehends his arrest for the offences alleged under Sections 304(B), 201 and 34 of the Indian Penal Code, registered in connection with Aurai P.S.Case No.28 of 2021.



As per allegation, the deceased Rita Kumari was married to Bablu Mahto in the year 2015. The customary presents as per the affording capacity was given at the occasion of marriage, but the accused persons committed murder of the informant's daughter. On 22.02.2021, the informant received an information that his daughter was burnt to death by the matrimonial inmates. The informant rushed to the place of occurrence where he found that the dead body of the deceased had already been burnt. It has mentioned in the FIR that the accused persons were demanding Rs. 5,00,000/- cash as dowry and the matrimonial inmates were making satirical remarks on the deceased that she was giving birth to only female child and she was unable to give birth to male child. There is three daughter out of the wedlock.

Learned counsel for petitioner no.1 has submitted that he is father-in-law of the deceased having no concern with the dowry demand. He has submitted further that the husband is already in custody.

There is allegation that the husband and the in-laws have burnt the deceased to death due to non-fulfilment of Rs.5,00,000/- cash within seven years of her marriage. They subjected her to mental atrocity by inflicting insulting remarks



that she was capable of giving birth to only female child.

In my view, it is not a fit case for anticipatory bail to petitioner no.1. His prayer for anticipatory bail is hereby rejected.

If petitioner no.1 surrenders and seeks regular bail before the court below, that shall be considered on the same day without being prejudiced by this order.

Office shall ensure that all defects are removed by the petitioners within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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