

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40533 of 2022

Arising Out of PS. Case No.-480 Year-2021 Thana- RAXAUL District- East Champaran

RAMASHANKAR MAHTO Son of Late Gopal Mahto Resident of Village -
katkenwa, P.S. Nakardai, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45471 of 2022

Arising Out of PS. Case No.-480 Year-2021 Thana- RAXAUL District- East Champaran

1. LAL PARI DEVI Wife of Late Vinod Kushwaha Resident of village -
Koiriya Tola, Ward No.- 24, P.S.- Raxaul, District - East Champaran,
Motihari.
2. Arvind Kumar Son of Late Vinod Kushwaha Resident of village - Koiriya
Tola, Ward No.- 24, P.S.- Raxaul, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40533 of 2022)

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P.

Mr. Avinash, Advocate

(In CRIMINAL MISCELLANEOUS No. 45471 of 2022)

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, A.P.P.

Mr. Madhurendra Kumar, Advocate

Mr. Avinash, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-12-2022 **CRIMINAL MISCELLANEOUS No.40533 of 2022**

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.



The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 365, 498A, 304B, 201 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is aged about 80 years and the informant alleges that Vivek performed love marriage with her daughter (Rani), further after marriage the accused persons including the petitioner started demanding Rs. 5,00,000/- as dowry, further they have disappeared her daughter, thus alleges that she might have been killed.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that marriage between Vivek and Rani was a love marriage and as such allegation of demanding dowry is nothing but a figment of imagination of the informant, it is next submitted that petitioner is maternal grand father-in-law (*Nana Sasur*) of the deceased and is staying at Village-Nagardehi and does not stay with Vivek. It is next submitted that no doubt within one year of marriage, the wife of Vivek died as a result of which



petitioner along with his family members also came to be implicated when petitioner up till the age of 80 years has a person with clean antecedent and after the occurrence he has been labelled as a criminal when he is nearing his grave, further petitioner based on a general and omnibus allegation stands implicated that he helped Vivek in disposing of the body.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner and submits that during the course of investigation, it has come that the accused persons including the petitioner helped Vivek in disposing of the dead body of the deceased.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection



with Raxaul P.S. Case No. 480 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 45471 of 2022

Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application.

Permission is accorded.

Accordingly, the present anticipatory bail application is dismissed as withdrawn.

(Satyavrat Verma, J)

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