

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2921 of 2023

Arising Out of PS. Case No.-565 Year-2022 Thana- SARAIYA District- Muzaffarpur

1. RAMANAND MAHTO S/O JAGARNATH MAHATO Resident of Village- Basokund, P.O.- Vaishali, P.S.- Saraiya, District- Muzaffarpur.
2. SMT. RASHILA DEVI @ RASHILA DEVI W/O RAMANAND MAHTO Resident of Village- Basokund, P.O.- Vaishali, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 23-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Saraiya P.S. Case No. 565 of 2022 instituted under Sections 304B, 201/34 of India Penal Code lodged on 06-08-2022 by the informant Bimla Devi.

As per the prosecution story, the informant Bimla Devi gave her written report to the SHO of Saraiya police station alleging there in that her daughter namely Chanda kumari got married with Pankaj Kumar. It is further alleged that informant as per her capacity gave articles worth RS.5,50,000. It is further alleged that after marriage the accused Pankaj Kumar son in-law of the informant began to demand one Apache



motorcycle and cash worth RS. 4,50,000/ in dowry and due to non fulfillment of the aforesaid dowry demand, in-laws family member of her daughter chanda kumari namely Pankaj Kumar, Ramanand Mahto, Rasila Devi, Annu Kumari, Anjali Kumari, Rubbi Kumari committed murder of her daughter. Accordingly, the FIR.

Learned counsel for the petitioners submit that they are parents of Pankaj Kumar, have nothing to do with the present case and further the husband has already gone to judicial custody on 15.03.2023 which has been brought on record by way of Annexure-2 to the supplementary affidavit.

Let the supplementary affidavit kept on record.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the aforesaid facts as also that the husband in jail and do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Saraiya P.S. Case No. 565 of 2022 to the satisfaction of learned A.C.J.M.-IV, West, Muzaffarpur, subject to the conditions as laid down under



Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners will make themselves available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan/
Sunil

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