

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12464 of 2023

Arising Out of PS. Case No.-301 Year-2020 Thana- HARSIDHI District- East Champaran

1. BHIM MAHTO @ BHIM KUMAR MAHTO @ BHIM KUMAR SON OF SHAMBHU MAHTO R/O VILLAGE- UJJAIN LOHIYAR SINGAHA, WARD NO.5, P.S.- HARSIDDHI, DISTRICT- EAST CHAMPARAN
2. PAWAN KUMAR MAHTO @ PAWAN KUMAR @ PAWAN MAHTO SON OF SHAMBHU MAHTO R/O VILLAGE- UJJAIN LOHIYAR SINGAHA, WARD NO.5, P.S.- HARSIDDHI, DISTRICT- EAST CHAMPARAN
3. RAMBHA DEVI WIFE OF SHAMBHU MAHTO R/O VILLAGE- UJJAIN LOHIYAR SINGAHA, WARD NO.5, P.S.- HARSIDDHI, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.
For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in a case registered for the offence punishable u/s 304(B)/34 of the IPC and ¾ of the D.P. Act and cognizance was taken u/s 302/34 of the IPC.

As per the prosecution case, the F.I.R. named accused persons including the petitioners with common intention has killed the sister of the informant and her two year old baby due to non-fulfillment of demand of dowry.

It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to grudge. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that after investigation, police has filed final form against the petitioner but the learned Court below differing with the same, took cognizance against the petitioner and other accused u/s 302 of the IPC. One of the similarly situated co-accused namely Sunil Mahto has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 20.12.2021 passed in Cr. Misc. No.9906 of 2021. It is further submitted that husband of the deceased has been acquitted by the learned Court below. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering that husband of the deceased has been acquitted by the learned trial court, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each



to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Harsidhi P.S. Case No.301 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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