

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15885 of 2023

Arising Out of PS. Case No.-16 Year-2022 Thana- GOBARHIA District- West Champaran

1. GANESH MANJHI Son of Late Chokat Manjhi @ Late Chokat Mahto R/v- Bankatwa Done, P.S.- Gobrahiya, District- West Champaran
2. RAMAWATI DEVI @ SUKHALI DEVI Wife of Ganesh Manjhi R/v- Bankatwa Done, P.S.- Gobrahiya, District- West Champaran
3. SURENDRA MANJHI Son of Ganesh Manjhi R/v- Bankatwa Done, P.S.- Gobrahiya, District- West Champaran
4. ANTU MANJHI Son of Ganesh Manjhi R/v- Bankatwa Done, P.S.- Gobrahiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Gobrahiya P.S. Case No. 16 of 2022 for the offence registered under section 304(B) of the Indian Penal Code and section 3/4 of the D.P. Act lodged on 12.08.2022 by the informant, Malti Devi.

The prosecution story, in brief, is that the marriage of the Informant's daughter was solemnized with the co-accused Mantu Manjhi on 09.05.2022 according to Hindu rites and customs. The informant gifted articles amounting to Rs. 2,50,000/- in the marriage. It has been alleged that after fifteen days of marriage, the accused persons started demanding a



motorcycle and Rs. 1,00,000/- in the shape of dowry on 11.08.2022. It has further been alleged that at about 5.00 P.M. the informant got information that all the accused persons including the petitioners had committed the murder of the daughter of the Informant due to non- fulfillment of demand of dowry. Accordingly, the FIR.

Learned counsel for the petitioners submit that the petitioners are father-in-law, mother-in-law and brothers-in-law (devar). The further submission is that the husband Mantu Manjhi is in judicial custody (as stated in paragraph-14 of the petition)

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

Taking into account the fact that the petitioners are family members, they do not have criminal antecedent, husband is in jail, the FIR lodged and ultimately will have to face the Trial, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Bagaha, West Champaran in connection with Gobrahiya P.S. Case No. 16 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

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

(ii) the petitioner 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 his bail bond by the Trial court itself;

(iii) 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 their bail bonds;

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

(Rajiv Roy, J)

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