

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14880 of 2023

Arising Out of PS. Case No.-442 Year-2022 Thana- KAUWAKOL District- Nawada

1. GANESH MAHTO Son of Late Chhotan Mahto R/v- Darwan, P.S.- Kawakole, District- Nawada
2. RUKMINI DEVI Wife of Ganesh Mahto R/v- Darwan, P.S.- Kawakole, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023

Heard the parties.

The petitioners are apprehending arrest in connection with Kawakole P.S. Case No 442 of 2022 for the offence under Sections 302 and 34 of the I.P.C. lodged on 08.08.2022 by the informant Rahul Kumar Maurya.

The prosecution story, in brief, is that the marriage of deceased Pushpa Kumari solemnized with accused Pintu Kumar ten years ago and accused Pintu Kumar and deceased were blessed with two daughter and one son but later on, accused Pintu Kumar developed illicit relationship with a girl in his village and thereafter started mentally and physically harassing the deceased Pushpa Kumari and finally on the fateful night on



07.08.2022, she was murdered by accused Pintu Kumar, Ganesh Mahto and Rukmini Devi.

It has been submitted that the Petitioners are mother-in-law and father-in-law. It has been submitted by the learned counsel for the petitioners that the husband is in jail (as stated in para 9 of the petition).

Learned APP opposes the prayer.

Considering the fact that the petitioners are father-in-law and mother-in-law, do not have criminal antecedent, husband is in jail and ultimately will have to face the trial, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Kawakole P.S. Case No 442 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her 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 their bail bond by the Trial Court itself;

(iii) the petitioner 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;

(iv) the petitioner 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.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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