

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25052 of 2023

Arising Out of PS. Case No.-232 Year-2022 Thana- BIHARIGANJ District- Madhepura

1. RAJO MUKHIYA SON OF LATE JHINGAR MUKHIYA R/O VILLAGE- SARONI KALA, WARD NO.09, P.S.- BIHARIGANJ, DISTRICT- MADHEPURA
2. LALITA DEVI WIFE OF RAJO MUKHIYA R/O VILLAGE- SARONI KALA, WARD NO.09, P.S.- BIHARIGANJ, DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Adv.
For the Opposite Party/s : Mr.Bharat Bhushan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.2, submitting that during pendency of this application petitioner no.2 has been apprehended by the police.

Permission is granted.

Accordingly, this application is dismissed as withdrawn in respect of petitioner no.2 only.

Now this application survives for petitioner no.1.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 304(B)/201 of the



Indian Penal Code.

All the F.I.R. named accused persons including this petitioner, due to non-fulfillment of dowry, in furtherance of the common intention are said to have committed murder of the daughter of the informant after assaulting.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. Petitioner is father-in-law of the deceased. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no concern with the death of the deceased, as he has been living separately from the deceased. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioner is serious in nature, hence he does not deserve anticipatory bail.

Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Bihariganj P.S. Case No. 232 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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