

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37437 of 2023

Arising Out of PS. Case No.-133 Year-2022 Thana- SINGHESHWAR District- Madhepura

1. Mahesh Mukhiya, Son Of Nawal Kishore Mukhiya Resident Of Village-Bhawanipur, Police Station- Singheshwar, District- Madhepura
2. Suman Mukhiya, Son Of Nawal Kishore Mukhiya Resident Of Village-Bhawanipur, Police Station- Singheshwar, District- Madhepura
3. Dinesh Mukhiya, Son Of Nawal Kishore Mukhiya Resident Of Village-Bhawanipur, Police Station- Singheshwar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 2 28-07-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.
2. The petitioners are apprehending their arrest in connection with Singheshwar P.S. Case No. 133 of 2022 registered for the offence punishable under Sections 304B, 302, 201, and 34 of the Indian Penal Code.
3. The informant has alleged killing of his daughter by in-laws on failure to fulfill the demand of *Apache* motorcycle. The homicidal death, as per prosecution case, is preceded by torture and demand for dowry.
4. The learned counsel for the petitioners submits that



the petitioners are uncles of husband of the deceased victim. Their implication is on extraneous consideration, though they have no concern with the deceased or her husband. The entire allegation regarding there being demand for dowry appears to be without any substance, since as per FIR, the marriage of the victim with the petitioner's nephew was not an arranged marriage, but a love marriage. The petitioners also have no antecedents.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, nature of relationship and allegations, as also clean antecedents, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Madhepura in connection with Singheshwar P.S. Case No. 133 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also



subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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