

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38915 of 2022

Arising Out of PS. Case No.-293 Year-2021 Thana- KADWA District- Katihar

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1. Prakash Mahto @ Jai Prakash Mahto Son Of Late Anuplal Mahto Resident Of Village- Hachalpur, P.S.- Kadwa, District- Katihar.
 2. Shila Devi Wife Of Sri Prakash Mahto @ Jai Prakash Mahto Resident Of Village- Hachalpur, P.S.- Kadwa, District- Katihar.
 3. Mukesh Mahto Son Of Sri Prakash Mahto @ Jai Prakash Mahto Resident Of Village- Hachalpur, P.S.- Kadwa, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Upendra Mahto Son Of Deep Narayan Mahto Resident Of Village- Gangora, P.S.- Bihariganj, District- Madhepura (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Chandra Prasad

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-01-2023 Heard both sides.

The petitioners apprehend their arrest in connection with Kadwa P.S. Case No.293 of 2021, registered for the offences punishable under Sections 498-A, 304-B/34 of the Indian Penal Code.

All the F.I.R. named accused persons including the petitioners, on non-fulfillment of demand of dowry, in furtherance of the common intention are said to have committed murder of the daughter of the informant.

Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have got no criminal antecedents as stated in paragraph-3 of the bail application. It is further submitted that petitioners are the distant relation of the husband of the deceased. It is submitted that there is general and omnibus allegation against the petitioners. It is further submitted that the husband of the deceased is already in judicial custody.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

Considering the facts aforesaid, let petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Katihar in connection with Kadwa P.S. Case No.293 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that the learned court below shall verify the fact that the husband of the deceased is in judicial custody or not. If the husband of the deceased is not in judicial



custody, the bail bond of the petitioners shall not be accepted by
the learned court below.

(Anjani Kumar Sharan, J)

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