

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42047 of 2023

Arising Out of PS. Case No.-342 Year-2022 Thana- TURKAULIYA District- East
Champaran

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1. SINGHASAN MAHTO S/O RAMGOVIND MAHTO R/O Village- Jaisinghpur, Bechu Tola, P.S- Turkauliya, Distt.- East Champaran.
 2. Lalbadri Devi W/O Singhasan Mahto R/O Village- Jaisinghpur, Bechu Tola, P.S- Turkauliya, Distt.- East Champaran.
 3. Sunil Mahto S/O Singhasan Mahto R/O Village- Jaisinghpur, Bechu Tola, P.S- Turkauliya, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Shail Kumari, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-08-2023 Heard Mrs. Shail Kumari, learned Counsel for the
petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Turkauliya P.S. Case No. 342 of 2022 for the offence registered under sections 304(B), 201 and 34 of the Indian Penal Code lodged on 14.04.2022 by the informant, Shiv Balak Mahto.

As per the prosecution story, the girl was married to the son of the petitioner no. 1 in the year 2018 but she was regularly tortured for dowry, ultimately the informant alleges that the girl was killed in the year 2022. Accordingly, the FIR.



It is the case of the learned Counsel for the petitioners that they are in-laws inasmuch as the father in law, the mother in law and the brother in law of the deceased living separately, have no role to play in the matter and the husband is in custody since 08.06.2022 (as stated in paragraph 11 of the petition).

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

Considering the aforesaid submissions put forward by the learned Counsel for the petitioners as also that the husband is in custody and they do not have criminal antecedent, 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya P.S. Case No. 342 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 their *bona fide*;



(ii) the petitioners 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 their 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 the bail bonds.

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

(Rajiv Roy, J)

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