

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45602 of 2023

Arising Out of PS. Case No.-74 Year-2019 Thana- BAJPATTI District- Sitamarhi

1. AASH NARAYAN MAHTO Son of Late Bodhan Mahto Resident of Village - Sandbara, P.S.- Parihar, District - Sitamarhi.
2. Most. Maheshwari Devi Wife of Late Bodhan Mahto Resident of Village - Sandbara, P.S.- Parihar, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023

Heard the parties.

The petitioners are apprehending their arrest in connection with Bajpatti P.S. Case No. 74 of 2019 for the offence under section 304(B)/34 of the I.P.C. lodged on 11.03.2019 by the informant, Ganga Mahto.

As per the prosecution story, the informant's daughter was married to one Inderjeet Mahto but was tortured for dowry and in 2019, she was found dead. Accordingly, the F.I.R.

Learned counsel for the petitioners submit that they are old mother-in-law and brother-in-law, the petitioner no. 1 is a rickshaw puller, was in delhi in connection with livelihood, little knowledge of the present case against them and further, it



is his categorical statement that the deceased's husband had earlier surrendered and was granted bail.

Learned APP opposes the prayer.

Considering the fact that the petitioner no. 1 is the brother-in-law who was in Delhi in connection with his livelihood, living separately and the petitioner no. 2 is the old mother-in-law and as per the statement made by the learned counsel for the petitioners, the husband already surrendered and enlarged on bail, 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 Court of S.D.J.M., Pupari, Sitamarhi, in connection with Bajpatti P.S. Case No. 74 of 2019 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 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 petitioners 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 petitioners 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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