

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43766 of 2023

Arising Out of PS. Case No.-269 Year-2021 Thana- DORIGANJ District- Saran

1. Nithali Mahto @ Mithali Mahto, S/O Luruk Mahto, R/O Village- Dayal Chak, P.S. Doriganj, District Saran At Chapra
2. Kariya Mahto, S/O Nithali Mahto @ Mithali Mahto, R/O Village- Dayal Chak, P.S. Doriganj, District Saran At Chapra
3. Chandan Kumar Mahto @ Chandan Mahto S/O Nithali Mahto @ Mithali Mahto R/O Village- Dayal Chak, P.S. Doriganj, District Saran At Chapra
4. Tulsi Mahto S/O Luruk Mahto R/O Village- Dayal Chak, P.S. Doriganj, District Saran At Chapra

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 11-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Doriganj P.S. Case No. 269 of 2021 registered for the offences punishable under Section 304B, 302, 201, 120B, 34 of the Indian Penal Code. They have no criminal antecedent.

3. As per the prosecution story, the informant's daughter was married to one Sonu Kumar in the year 2021 but after some time, the accused persons started torturing her for fulfilling the demand of Rs.1,00,000/-. The informant further alleges that on 09.10.2021 she received an information that the FIR named accused persons are beating her daughter. When she reached the



house of the accused persons, she found that they were trying to flee away from the house. The informant alleges that her daughter has been killed by the accused persons and thrown in the Ganga river.

4. Learned counsel for the petitioners submits that these petitioners are innocent and have been implicated in this case only because they are the kith and kin of the husband of the informant's daughter. It is submitted that the petitioner no. 1 is the father-in-law of the deceased, petitioner nos. 2 and 3 are the brother-in-laws and petitioner no. 4 is the brother of petitioner no. 1 and they live far from the matrimonial house of the deceased. It is further submitted that the husband of the deceased is already in judicial custody.

5. Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioners, however, he is unable to point out any independent material from the case diary to oppose the prayer for anticipatory bail of the petitioners.

6. Having regard to the submissions that so far as these petitioners are concerned, they have been implicated in this case because they happen to be the kith and kin of the husband of the deceased, petitioner no. 1 is the father-in-law, petitioner nos. 2 and 3 are the brother-in-laws of the deceased and petitioner no. 4 is the brother of the petitioner no. 1 and they are said to be residing far



away from the matrimonial house of the deceased, the husband of the deceased is already in judicial custody and learned APP for the State who has gone through the case diary does not point out any independent material to oppose the application for anticipatory bail of the petitioners, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Doriganj P.S. Case No. 269 of 2021 on furnishing bail bond 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, Saran, Chapra, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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