

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42847 of 2023

Arising Out of PS. Case No.-7 Year-2022 Thana- EKMA District- Saran

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1. Rekha Mahto Son Of Late Sukhal Mahto Resident Of Village Phuchhti PS Ekma Dist Saran (Chapra)
 2. Umesh Mahto Son Of Rekha Mahto Resident Of Village Phuchhti PS Ekma Dist Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-08-2023 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. Learned counsel for the petitioners, at the outset,
seeks permission to withdraw the present anticipatory bail
application with respect to petitioner no.2.

3. Permission is accorded.

4. Accordingly, the present anticipatory bail
application with respect to petitioner no.2 is dismissed as
withdrawn.

5. The petitioner no.1 apprehends his arrest in
connection with Ekma P.S. Case No. 07 of 2022 registered for
the offences punishable under Sections 304(B) and 34 of the



Indian Penal Code.

6. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that his sister was married to Umesh on 29.05.2020 and after marriage the accused persons, including the petitioner, tortured her for dowry, further on 06.01.2022, he was informed that his sister was ill, accordingly he went to the place of occurrence and found the dead body of his sister, thus alleges that she was killed for non-fulfillment of dowry demand.

7. Learned counsel for the petitioner submits that the petitioner has been falsely implicated being father-in-law of the deceased, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that the allegation of demand of dowry and torture is general and omnibus in nature, it is also submitted that no effort was made to conceal the dead body rather the dead body was lying in the house. Learned counsel further submits that the informant is not an eyewitness to the occurrence and the entire allegation hinges around suspicion, it is further submitted that husband of the deceased who was also a petitioner in this anticipatory bail application has already sought permission to withdraw his case, it is next submitted that whenever such occurrence takes place,



the entire family members are implicated in a mechanical manner.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner no.1, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ekma P.S. Case No. 07 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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