

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46712 of 2023

Arising Out of PS. Case No.-357 Year-2022 Thana- KOTWA District- East Champaran

1. Anhiya Devi, (female), aged about 48 years, wife of Sohan Mahto.
2. Anju Kumari (female), aged about 25 years, daughter of Sohan Mahto. Both are residents of Village Barharwa Kala, Police Station- Kotwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-08-2023 Heard Mr. Praveen Kumar, learned counsel

appearing on behalf of the petitioners and Mr. Amitesh Kumar,

learned APP for the State.

2. Learned counsel appearing on behalf of the
petitioners seeks to withdraw the present bail application on
behalf of petitioner no. 1 with a liberty to avail appropriate
remedy in accordance with law.

3. Accordingly the present bail application is
dismissed as withdrawn on behalf of the petitioner no. 1 with
the aforesaid liberty.

4. The petitioner no. 2 seeks pre-arrest bail in
connection with Kotwa P.S. Case No. 357 of 2022 registered for



the offence punishable under Sections 304(B), 120(B) and 34 of the Indian Penal Code.

5. As per the allegation made in the FIR, the petitioner along with the other family members had killed the daughter of the informant in the matrimonial house.

6. Learned counsel appearing on behalf of the petitioners submitted that petitioner no. 2, namely, Anju Kumari, who is aged about 25 years and she has no role in the alleged commission of murder of the daughter of the informant. The father-in-law and husband of the deceased have already been released on bail. On these grounds, petitioner no. 2 seeks to be released on pre-arrest bail.

7. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

8. Considering the nature of allegation made in the FIR as well as the fact that the petitioner is unmarried and husband and father-in-law of the deceased have already been released on bail. I am of the opinion that petitioner no. 2 has, *prima facie*, made out a case to be released on pre-arrest bail.

9. The petitioner no. 2, namely, Anju Kumari, is directed to be released on pre-arrest bail, in the event of her arrest or surrender before the Court below within a period of



four weeks from today, on furnishing bail bond of Rs. 25,000/-
(Rupees Twenty Five Thousand) with two sureties of the like
amount each to the satisfaction of learned Chief Judicial
Magistrate, East Champaran, Motihari, in connection with
Kotwa P.S. Case No. 357 of 2022, subject to the condition as
laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Niraj/Nilmani

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