

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54174 of 2023

Arising Out of PS. Case No.-100 Year-2023 Thana- MANIGACHI District- Darbhanga

1. Laxman Mukhiya Son Of Late Sukal Mukhiya Resident Of Village - Mahhour (MAHTHOUR), Police Station - Manigachhi, District - Darbhanga
2. Mahendra Mukhiya Son Of Late Ram Kishore Mukhiya @ Kishun Mukhiya Resident Of Village - Mahhour (MAHTHOUR), Police Station - Manigachhi, District - Darbhanga
3. Singeshwar Mukhiya @ Sidheshwar Mukhiya Son Of Late Rajendra Mukhiya @ Shaini Mukhiya Resident Of Village - Mahhour (MAHTHOUR), Police Station - Manigachhi, District - Darbhanga
4. Rabindra Mukhiya Son Of Juge Mukhiya Resident Of Village - Mahhour (MAHTHOUR), Police Station - Manigachhi, District - Darbhanga
5. Munna Mukhiya @ Munne Mukhiya Son Of Late Tetar Mukhiya Resident Of Village - Mahhour (MAHTHOUR), Police Station - Manigachhi, District - Darbhanga
6. Tilay Mukhiya @ Tilai Mukhiya Son Of Late Bankar Mukhiya Resident Of Village - Mahhour (mahthour), Police Station - Manigachhi, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary
For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. Learned counsel for the petitioners seeks
permission to withdraw this application with regard to petitioner
no. 6 submitting that during pendency of this application the
petitioner has already been apprehended by the police.

3. Permission is granted.



4. Accordingly, this application with regard to petitioner no. 6 is dismissed as withdrawn.

5. Now this application is being heard only with regard to petitioners no. 1 to 5.

6. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 304(B), 201 and 34 of the Indian Penal Code.

7. As per the prosecution case, allegation against the petitioners is that they along with other co-accused persons are said to have committed murder of the daughter of the informant due to non-fulfillment of dowry demand.

8. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioners. He further submits that the petitioners are co-villagers of the husband of the deceased. He also submits that the husband of the deceased is already in judicial custody. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

9. Learned APP for the State opposes prayer for anticipatory bail.



10. Having regard to the facts and circumstances of the case and the fact that there is no specific overt act against the petitioners, let the above named petitioners no. 1 to 5, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 the learned lower Court where the case is pending/successor Court in connection with Manigachhi P.S. Case No.100 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

11. Accordingly this application is partly allowed.

(Anjani Kumar Sharan, J)

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