

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57808 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- KHUTAUNA District- Madhubani

1. Jitendra Mallik, Son of Kapleshwar Mallik, R/o village- Hanuman Nagar, P.S.- Khutauna, District.- Madhubani.
2. Kapleshwar Mallik, Son of Late Babel Mallik, R/o village- Hanuman Nagar, P.S.- Khutauna, District.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-11-2023

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Khutauna P.S. Case no. 5 of 2023 (G.R. no. 43 of 2023) registered under sections 304B, 201 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that his daughter was married to the petitioner no.1. The accused persons including the two petitioners herein started to torture the informant's daughter for non fulfillment of demand of dowry to the tune of a motorcycle and Rs.1 lac in cash. Ultimately, she was done to death and the accused persons disposed of her dead body.



4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case on account of their being the husband and the father-in-law of the deceased. The allegations are false and categorically denied. The allegations are general and omnibus in nature. The petitioners are in custody since 23.3.2023 and investigation in the case has concluded.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner no.1, who happens to be the husband of the deceased, the Court is not inclined to enlarge the petitioner no.1, namely Jitendra Mallik, on bail and the application is rejected.

7. In the facts and circumstances of the case, taking into consideration the allegations in the F.I.R, the petitioner no.2 having remained in custody more than 7 months since 23.3.2023, charge-sheet having been submitted in the case, the petitioner no.2 namely Kapleshwar Mallik being the father-in-law of the deceased is directed to be enlarged on bail in connection with Khutauna P.S. Case no. 5 of 2023 (G.R. no. 43 of 2023) on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Jhanjharpur, District-Madhubani.

(Partha Sarthy, J)

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