

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67498 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- JANDAHA District- Vaishali

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1. Rajesh Mahto, Son Of Laldev Mahto, Village Bedaulia, P S Jandaha, District Vaishali
 2. Rajan Mahto, Son Of Laldev Mahto, Village Bedaulia, P S Jandaha, District Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-11-2023 Heard Mr. Subhash Kumar, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners, who are said to be brother-in-law of the deceased apprehending their arrest in connection with Jandaha P.S. Case No. 99 of 2023, registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

3. It is alleged that marriage of the daughter of the informant was solemnized with the co-accused Chandan Mahto, ten years prior to the institution of the F.I.R. It is alleged that all the accused persons have killed the informant's daughter and



cremated the body to conceal the evidence.

4. It is submitted on behalf of the petitioner that from the F.I.R., it is evident that omnibus nature of allegation has been levelled against all the family members, nine in numbers. That apart, the petitioners are brother-in-law of the deceased, who are living separately, having no concern with the affairs of the deceased and her husband, moreover, the deceased died on account of some disease but due to suspicion the name of all the family members have been implicated. Furthermore, co-accused Laldev Mahto, who is father-in-law of the deceased has been allowed the privilege of anticipatory bail by learned coordinate bench of this Court in Cr. Misc. No. 63849 of 2023 vide order dated 17.10.2023

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioners are named in the F.I.R.

6. Regard being had to the submissions made on behalf of the parties and considering the submissions made on behalf of the parties and taking note of the relationship of the petitioner with the deceased, coupled with the fact that other co-accused person having similar allegation have been allowed the privilege of anticipatory bail and, moreover, there is omnibus



allegation against all the accused persons, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 99 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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