

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69714 of 2022

Arising Out of PS. Case No.-621 Year-2021 Thana- SARAIYA District- Muzaffarpur

1. MOHAN MAHTO SON OF CHATURBHUI MAHTO R/O VILLAGE-RUPAULI, P.S.- SARAIYA, DISTRICT- MUZAFFARPUR
2. SANTLAL MAHTO SON OF CHATURBHUI MAHTO R/O VILLAGE-RUPAULI, P.S.- SARAIYA, DISTRICT- MUZAFFARPUR
3. KANCHAN DEVI WIFE OF MOHAN MAHTO R/O VILLAGE-RUPAULI, P.S.- SARAIYA, DISTRICT- MUZAFFARPUR
4. SITA DEVI WIFE OF CHATURBHUI MAHTO R/O VILLAGE-RUPAULI, P.S.- SARAIYA, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 22-05-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Saraiya P.S. Case No. 621 of 2021, registered for the offence punishable under Section 304(B)/34 of the Indian Penal Code.

The case of the prosecution, in brief, is that the accused persons including the petitioners herein, who happen to be the brother-in-laws, sister-in-law and mother-in-law of the deceased victim lady along with her husband are alleged to have killed



the deceased victim lady by hanging her.

The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that the husband of the deceased victim lady, who might be the main accused, is already in custody, hence, no prejudice would be caused to the prosecution, in case the petitioners are granted the privilege of anticipatory bail. It is also submitted that the father-in-law of the deceased victim lady has already been acquitted, after a full-fledged trial.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also considering the fact that the husband of the deceased victim lady is already behind bars and the father-in-law of the deceased victim lady has already stood acquitted, after a full-fledged trial, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be



enlarged on anticipatory 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, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-4th (West), Muzaffarpur in connection with Saraiya P.S. Case No. 621 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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