

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69546 of 2022

Arising Out of PS. Case No.-132 Year-2022 Thana- CHORAUT District- Sitamarhi

1. Pachchu Mukhiya @ Panchu Mukhiya Son of Suita Mukhiya
2. Raj Kumari Devi Wife of Pachchu Mukhiya @ Panchu Mukhiya
3. Manju Devi Wife of Ajay Mukhiya
4. Rakesh Mukhiya Son of Suita Mukhiya, all Resident of village - Parigama, P.S.- Choraut, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parwej Khan, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-02-2023 Learned counsel for the submits that during the pendency of the petition, petitioner no.1, namely, Pachchu Mukhiya @ Panchu Mukhiya has been arrested and as such petition has become infructuous.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Choraut P.S. Case No.132 of 2022 instituted under Sections 302 & 34 of the Indian Penal Code.

As per the prosecution story, the informant alleged that the marriage of his son was solemnized with the Manju Devi (petitioner no.3) seven years ago. Later the petitioner no.1 Pachchu Mukhiya, father-in-law forced him into liquor business



and on the fateful day, it is alleged that he had refused to continue with the said liquor business, he was throttled by putting pillow upon his mouth. As they were going towards river to dispose of the body, the locals arrived and they fled away leaving the body in the room. The further allegation is that under conspiracy, the lady his wife, got registered UD Case No.02 of 2022 in which the police had given final form.

Considering the kind of allegation that has come in the FIR as also that subsequently they were taking the body for its disposal without informing the family members of the deceased, this is not a fit case for extending privilege of anticipatory bail to the petitioner no.4, Rakesh Mukhiya, which is accordingly rejected.

So far as the petitioner no.2 Raj Kumari Devi and petitioner no.3 Manju Devi are concerned, they are ladies, do not have criminal antecedents, and will be facing the trial, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioner no.2 Raj Kumari Devi and petitioner no.3 Manju Devi be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two



sureties of the like amount each in connection with Choraut P.S. Case No.132 of 2022 to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri at Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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