

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71705 of 2022

Arising Out of PS. Case No.-367 Year-2022 Thana- SITAMARHI District- Sitamarhi

1. Anil Kumar @ Laddu Mukhiya S/o Dularchand Mukhiya R/o Ward no. 6, Rajopatti, Chak Mahila, P.S.- Sitamarhi (Mehsaal), Distt- Sitamarhi.
2. Ful Kumari @ Ful Kumari Devi W/o Dularchand Mukhiya R/o Ward no. 6, Rajopatti, Chak Mahila, P.S.- Sitamarhi (Mehsaal), Distt- Sitamarhi.
3. Dularchan Mukhiya S/o Late Mithu Mukhiya R/o Ward no. 6, Rajopatti, Chak Mahila, P.S.- Sitamarhi (Mehsaal), Distt- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Madan Kumar, Advocate
For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and Ms. Dr. Indihar Kumari, learned APP for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Sitamarhi (Mehsaal) P.S. Case No. 367 of 2022 dated 03.06.2022 registered for the offences under Sections 302, 304(B)/34 of the Indian Penal Code. The petitioners have no criminal antecedent.

As per the prosecution story, the informant's sister is alleged to have been killed by her husband and other in-laws by pressing her neck. The informant alleged that marriage of his sister was performed with Karan Mukhiya five years ago and she was tortured due to non-fulfillment of dowry.

Learned counsel for the petitioners submits that the petitioners are quite innocent and have been falsely and maliciously implicated in the present case. Learned counsel submits that the



petitioners have been falsely implicated only because they are kith and kin of the husband.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein these petitioners are said to be the first cousin, Aunt and Uncle of the husband of the deceased and the submission is that they have been falsely implicated only because they are kith and kin of the husband, this Court grants bail to the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Sitamarhi (Mehsaul) P.S. Case No. 367 of 2022 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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