

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74053 of 2022

Arising Out of PS. Case No.-112 Year-2017 Thana- HAJIPUR SADAR District- Vaishali

1. Sitara Devi W/o Devendra Mahto @ Ravindr Mahto @ Ravindra Kumar @ Ranvindra Mahto R/o Village- Panapur Silothar, P.S.- Jandaha, Distt- Vaishali.
2. Kundan Kumar S/o Devendra Mahto @ Ravindr Mahto @ Ravindra Kumar @ Ravindra Mahto R/o Village- Panapur Silothar, P.S.- Jandaha, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Soni Srivastava, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Hajipur Sadar P.S. Case No.112 of 2017 registered for the offences punishable under Sections 366/34 of the Indian Penal Code. They have no criminal antecedent.

As per the prosecution story, the daughter of the informant namely Shobha Devi was living with the informant for one month whose husband died one year ago. On 28.03.2017 at about 01.30 PM she went to Hajipur to buy medicine with the wife of Md. Gaffar but both of them did not return and their



mobile was also switched off. The informant has raised suspicion that Ramji Mahto, Kundan Kumar (the petitioner), Sitara Devi (the petitioner) and Md. Gaffar and his wife took his daughter away under a conspiracy.

Learned counsel for the petitioners submits that the petitioner no.1 is the mother-in-law and petitioner no.2 is the brother-in-law (Devar) of the victim. Learned counsel submits that after death of her husband, the victim was residing in her matrimonial house and had no complaint of any kind against the petitioners. It is submitted that on knowing the correct informant, the family of the victim does not wish to pursue this case.

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

Having regard to the facts and circumstances of the case, considering that the petitioner no.1 is the mother-in-law and petitioner no.2 is the brother-in-law (Devar) of the victim and that after death of her husband, she was residing in her matrimonial house and had no complaint of any kind against the petitioners as also that on knowing the correct informant the family of the victim does not wish to pursue this case, this Court directs release of the petitioners above named on bail in the



event of their arrest or surrender within a period of four weeks from today in connection with Hajipur Sadar P.S. Case No.112 of 2017 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 Chief Judicial Magistrate, Vaishali, Hajipur, 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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