

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9148 of 2024

Arising Out of PS. Case No.-251 Year-2023 Thana- GORAUL District- Vaishali

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1. Mukesh Mahto S/o Lagan Mahto R/o Vill. - Bareba, P.S. - Goraul, Dist. - Vaishali at Hajipur
 2. Bina Devi W/o Mukesh Mahto R/o Vill. - Bareba, P.S. - Goraul, Dist. - Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-03-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned counsel for the O.P. No. 2.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners being brother-in-law (*Bhainsur*) and sister-in-law (*gotni*) of the deceased came to be implicated in the instant case by the informant. It is next submitted that the daughter of the informant was married to one Mithilesh Mahto on 22.01.2021 and after marriage, it is alleged that the accused persons were



demanding a motorcycle and for non-fulfillment of the demand it is alleged that his daughter was killed.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that the allegations against the petitioners are general and omnibus in nature and the informant is not an eye witness to the occurrence. It is also submitted that when any occurrence of the nature as alleged in the FIR takes place, the entire family members of the husband are implicated in a mechanical manner with general, omnibus and ornamental allegation. It is also submitted that the husband of the deceased is in custody. It is next submitted that the petitioners will not abscond rather will co-operate in the investigation.

5. Learned A.P.P. for the State along with the learned counsel for the O.P. No. 2 opposes the prayer for anticipatory bail of the petitioners, but are not in a position to rebut the submissions of the the learned counsel for the petitioner that the allegations against the petitioners are general and omnibus in nature and informant is not an eye witness to the occurrence.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Goraul P.S. Case No. 251 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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