

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25120 of 2024

Arising Out of PS. Case No.-154 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

- 1. Ram Briksha Mahto son of Late Ram Subhash Mahto, Vill- Gobindpur, Tola kalamanjar, Ward No. 2, PS- Rosera, Dist- Samastipur.
- 2. Anju Devi wife of Ram Briksha Mahto, Vill- Gobindpur, Tola kalamanjar, Ward No. 2, PS- Rosera, Dist- Samastipur.

... .. Petitioners

Versus

- 1. The State of Bihar
- 2. Laddu Lal Mahto S/o Late Jageshwar Mahto, R/o Ward No. 1, PS- Vibhitipur, Distt.- Samastipur.

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 25422 of 2024

Arising Out of PS. Case No.-154 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

- 1. Amit Kumar Mahto Son of Sri Ram Briksha Mahto, Resident of Village- Gobindpur, Tola- Kalamanmar, Ward No. 2, P.S.- Rosera, District- Samastipur (Bihar).
- 2. Chanda Devi Wife of Sri Amit Kumar Mahto, Resident of Village- Gobindpur, Tola- Kalamanmar, Ward No. 2, P.S.- Rosera, District- Samastipur (Bihar).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance:
(In CRIMINAL MISCELLANEOUS No. 25120 of 2024)
For the Petitioners : Mr. Akash Anand, Advocate
For the State : Mr. Murli Dhar, APP
(In CRIMINAL MISCELLANEOUS No. 25422 of 2024)
For the Petitioners : Mr. Akash Anand, Advocate
For the State : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr. Akash Anand, the learned counsel for the



petitioners and Mr. Murli Dhar, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Samastipur Complaint Case No. 154 of 2022, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. According to prosecution case, Anju Devi poured kerosene on the body of the daughter of the informant and Ram Briksh Mahto set her on fire while Amit Kumar and Chanda Devi caught hold of the informant. It is further alleged that the complainant's son-in-law Rajeev Mahto and grand son Suraj Kumar informed him about the said occurrence over phone. It is further alleged that complainant's daughter died during treatment.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case mainly on the ground that petitioners are in-laws of the deceased. He further submits that in Cr. Misc. No. 25120 of 2024, petitioner no. 1 is father in law of the deceased and petitioner no. 2 is mother-in-law of the deceased while in Cr. Misc. No. 25422 of 2024, petitioner no. 3 is brother-in-law of the deceased and petitioner no. 4 is sister-in-law of the deceased. He further submits that on the basis of written application, the Rosera PS Case No. 136 of 2021 was registered



under Section 306 and 34 of the Indian Penal Code. Learned counsel for the petitioner lastly submits that the police after investigation has submitted the final form in favour of the petitioners and on the basis of the complaint-cum-protest petition, the learned trial Court has taken cognizance against these petitioners vide order dated 10.10.2023, under Section 302 and 34 of the Indian Penal Code.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent, the police after investigation has submitted the final form in favour of the petitioners and on protest cognizance has been taken by the learned trial Court, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Rosera, Samastipur, where the case is pending in connection with **Samastipur Complaint Case No. 154 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and



also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the trial Court 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 trial Court 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.

(Rajesh Kumar Verma, J)

Shahnawaz/-

U		T	
---	--	---	--

