

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37882 of 2024

Arising Out of PS. Case No.-170 Year-2023 Thana- BHELDI District- Saran

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1. Nirmala Devi W/o Dhanpat Baitha R/o vill - Murli Sirsiya, P.S. - Bheldi, Distt. - Chhapra (Saran)
 2. Munna Baitha S/o Dhanpat Baitha R/o vill - Murli Sirsiya, P.S.- Bheldi, Distt. - Chhapra (Saran)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarda Devi W/o Lakman Baitha R/o vill - Ismila, P.S. - Dighwara, Distt. - Chhapra (Saran)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shatrughna Pandey
For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-07-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 498(A), 323, 324, 201, 304(B) and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners, being mother-in-law and the brother-in-law, of the deceased have been falsely implicated in the instant case by the informant. It is next submitted that daughter of the informant was married to Mukesh Baitha, the son of petitioner no.1 and brother of petitioner no.2. It is further alleged that after marriage



the accused persons started demanding a motorcycle and cash by way of dowry and on account of non-fulfillment of the demand, it is alleged that the deceased was administered poison leading to her death and her dead body was concealed.

4. Learned counsel for the petitioners next submits that petitioners are separate in mess and property from Mukesh. It is next submitted that it absolutely does not stand to reason that the petitioners would have been continuously demanding motorcycle and money by way of dowry since 2019 and thereafter in the year 2022 would have poisoned the deceased for non-fulfillment of the demand. It is next submitted that the husband of the deceased Mukesh Baitha had approached this Court seeking anticipatory bail by filing Cr. Misc. No. 39714 of 2024 and the same was permitted to be withdrawn. It is also submitted that petitioners will not abscond rather will co-operate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 Bheldi P.S. Case No. 170 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioners.

8. Let a copy of this order to sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

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