

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40335 of 2024

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

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1. Lagan Mahto S/O Sukun Mahto Resident of Village- Barewa, P.S.- Goraul, District-Vaishali at Hajipur
 2. Bipati Devi Wife of Shree Lagan Mahto Resident of Village- Barewa, P.S.- Goraul, District-Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 19-07-2024 1. Heard learned counsel for the petitioners and Mr. Chandra Bhushan Prasad learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code as well as Sections 3 and 4 of the Dowry Prohibition Act.

3. Learned counsel for the petitioners submits that petitioners being the father-in-law and mother-in-law of the deceased came to be implicated in the instant case by the informant. It is further submitted that the daughter of the informant was married to one Mithilesh Mahto on 22.06.2021 and after marriage, it is alleged that the accused persons including the petitioners were demanding a motorcycle and on



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 instant case by the informant. It is further submitted that the allegations against the petitioners are general and omnibus in nature and the informant is not an eyewitness to the occurrence. It is next submitted that whenever 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 whether petitioners are involved in the occurrence or not is an aspect of investigation. It is further submitted that the husband of the deceased is in custody and the petitioners will not abscond rather will cooperate 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 Court below 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 court below 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.

7. However, if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioners, despite giving assurance to this Court, are not cooperating in the investigation, the learned court below shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

(Satyavrat Verma, J)

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