

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53537 of 2023

Arising Out of PS. Case No.-128 Year-2022 Thana- NTPC District- Patna

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1. Mangal Mahto, aged about 35 years, Male, S/o Dhaneshwar Mahto, Resident of Village-Railli (Bind Toli), P.S.-N.T.P.C., District-Patna.
 2. Lalita Devi, aged about 33 years, Female, W/o Mangal Mahto, Resident of Village-Railli (Bind Toli), P.S.-N.T.P.C., District-Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Pramod Mishra, Advocate
For the Opposite Party : Mr. Rajeev Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 23-04-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with N.T.P.C. P.S. Case No. 128 of 2022 dated 05.11.2022 registered for the offences punishable under Sections 364, 498A and 201/34 of the I.P.C.

3. As per the prosecution case, the informant's sister, namely, Manita Devi, came to the house of her villager Dhaneshwar Mahto who is the father of the petitioner no. 1 and the father-in-law of the petitioner no. 2. On 02.11.2022 at about 2.00 P.M., in the night, the informant's brother-in-law (Bahnoi) Bajrangi Mahto who is husband of Manita Devi alongwith his



children were seen by the informant while they were going but the informant's sister was not with them. The informant searched her in the family, relatives and maike but she could not be traced. It is further alleged that the husband Bajrangi Mahto always used to torture and assault her sister Manita Devi. The informant has apprehension that the co-accused Bajrangi Mahto, Mangal Mahto (petitioner no. 1) and his wife Lalita Devi (petitioner no. 2) threw her sister after killing her. The informant's parents has died and her brother used to reside outside for which F.I.R. has been lodged by her.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case due to family dispute and dirty local politics. It is submitted that the informant is own sister of the deceased and she is residing in the same village where the petitioners are residing. Hence, there is no reason for the deceased to come to the house of the father of the petitioner no. 1. The petitioners never abused, assaulted and misbehaved with the so-called deceased. The sister of the informant is a bad character and she has illicit relationship with several persons. It is further submitted that when the husband of the informant's sister came to know that she has illicit relationship with several



persons it may be possible that he took her wife to some unknown place and might have killed her and disappeared her dead body with an intention to screen the present prosecution case. The petitioners have no concern with the alleged deceased and her family members. The petitioners have been made accused in the present case only on the basis of suspicion. It is further submitted that from perusal of paragraph no. 16 of the case diary, it appears that the nearby people said that Bajrangi Mahto alongwith his wife and children went away some where one month ago. They further said that Manita Devi, the wife of Bajrangi Mahto, also went away one year ago and she returned after some days. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Barh, Patna in connection with N.T.P.S. Case No. 128 of 2022, subject



to the condition as laid down under Section 438(2) of the Code
of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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