

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78063 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- MUSRIGHRARI District- Samastipur

1. Rani Kumari D/O Pramod Mahto R/O Village- Barbatta, P.S- Musrigharari, Distt.- Samastipur.
2. Sakindra Mahto S/O Late Jogendra Mahto @ Yogendra Mahto R/O Village- Barbatta, P.S- Musrigharari, Distt.- Samastipur.
3. Ganesh Mahto S/O Late Jogendra Mahto @ Yogendra Mahto R/O Village- Barbatta, P.S- Musrigharari, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arjun Mahto S/O Late Harilal Mahto R/O Village- Bhagwatpur P.S- Sarairanjan, Distt.- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate

For the Opposite Party/s : Ms.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 28-11-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Musrigharari PS case no. 72 of 2024, disclosing offences punishable under Section 304B/34 of the Indian Penal Code and Sections 3/4 of D.P. Act.
3. The prosecution story, as per the First Information Report, is that the marriage of informant's daughter was solemnized with co-accused Pramod Mahto and after the marriage, petitioners along with other accused persons started



demanding motorcycle and cash as dowry and due to non-fulfiment of the demand, the informant's daughter has been killed by the accused persons, by pressing her neck.

4. Learned Counsel for the petitioners submits that petitioners have falsely been implicated in this case due to oblique motive. Petitioner no. 1 is step-daughter of the deceased and petitioners no. 2 and 3 are younger brothers-in-law of the deceased. The husband of the deceased is in custody since 04.10.2024. Learned counsel further submits that deceased was a lady of quarrelsome nature, as such, petitioners being the distant relative were residing separately. He also submits that the deceased has committed suicide, as is evident from the postmortem report, referred in the impugned order itself, which shows that the cause of death is asphyxia due to hanging whereas the allegation against the petitioners and others is pressing the neck of the deceased. Lastly, he submits that the allegations against the petitioners are general and omnibus and they are distant relatives of the deceased.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that allegation against the petitioners is general and omnibus, husband of the deceased is in judicial custody and petitioners



are distant relatives of the deceased, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Musrigharari PS case no. 72 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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