

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1981 of 2024

Arising Out of PS. Case No.-357 Year-2022 Thana- KOTWA District- East Champaran

ANHIYA DEVI, Female, aged about 48 years, WIFE OF SOHAN MAHTO
RESIDENT OF VILLAGE- BARHARWA KALA, POLICE STATION-
KOTWA, DISTRICT- EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 13-09-2024 Heard Mr. Praveen Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Satya Nand

Shukla, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Kotwa P.S. Case No. 357 of 2022 registered for the
offence(s) punishable under Sections 304(B), 120(B), 34 of the
Indian Penal Code.

3. Learned counsel appearing on behalf of the
petitioner submitted that the bail application of the petitioner
was earlier permitted to be withdrawn with a liberty to avail
appropriate remedy, *vide* order dated 11.08.2023 passed in Cr.
Misc. No.46712 of 2023.

4. As per the allegation made in the FIR, petitioner



along with other family members for non-fulfillment of dowry, had killed the daughter of the informant, who had conceived.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is mother-in-law and she has had concern with the matrimonial affairs between her son and her deceased daughter-in-law. Even on perusing of the FIR, it would appear that the allegation against the petitioner is general and omnibus that she along with other family members have committed murder of the daughter of the informant. Learned counsel further submitted that from perusal of the FIR, it would not appear that anytime before the death of the daughter of the informant, there was any complaint regarding demand of dowry. Petitioner has clean antecedent. It is further submitted that co-accused Rakesh Mahto and Rupesh Mahto, who happen to be the brother-in-law of the deceased, have already been granted anticipatory bail by a co-ordinate Bench of this Court vide Annexure P/3. On these grounds, petitioner seeks to be released on bail.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Considering the nature of allegation made in the FIR against the petitioner and also the fact that petitioner is



mother-in-law of the victim, who has clean antecedent, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

8. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kotwa P.S. Case No. 357 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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