

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36001 of 2025

Arising Out of PS. Case No.-366 Year-2022 Thana- PAROO District- Muzaffarpur

1. Gunja kumari D/o Rajesh Mahto R/o Village- Fatehabad, P.S.- Paroo, District- Muzaffarpur
2. Chandan Kumar S/o Rajesh Mahto R/o Village- Fatehabad, P.S.- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 36537 of 2025

Arising Out of PS. Case No.-366 Year-2022 Thana- PAROO District- Muzaffarpur

1. Anita Devi @ Neeta Devi W/o Rajesh Mahto R/o Village- Fatehabad, P.S.- Paroo, District- Muzaffarpur
2. Rajesh Mahto S/o Mahavir Mahto R/o Village- Fatehabad, P.S.- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36001 of 2025)

For the Petitioner/s : Mr.Raju Kumar

For the Opposite Party/s : Mr.Manoj Kumar

(In CRIMINAL MISCELLANEOUS No. 36537 of 2025)

For the Petitioner/s : Mr.Raju Kumar

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 03-09-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor representing the State.
2. These applications, for grant of anticipatory bail, arise out of Paroo Police Station Case No. 366 of 2022, dated 25.07.2022, registered for the offences punishable under Sections 498-A/304-B/34 of the Indian Penal Code.



3. The prosecution case, as per the First Informant Report, is that the marriage of the informant's daughter was solemnized with co-accused Santosh Mahto in the year 2021. On 25.07.2022, in the morning, the informant got information that her daughter (now deceased) is lying dead in the courtyard of her matrimonial home and all the family members of the deceased have fled away from the home. It has been alleged the accused persons, including the petitioners, were demanding one Apache motorcycle as dowry, and due to non-fulfillment of the said demand, the informant's daughter has been killed by the petitioners and others.
4. Learned Counsel for the petitioners submits that the petitioners of Criminal Misc. No. 36001 of 2025 are the unmarried sister-in-law and brother-in-law of the deceased; whereas the petitioners of Criminal Misc. No. 36537 of 2025 are the mother-in-law and father-in-law of the deceased. The allegation against them is general and omnibus in nature and the demand of Apache motorcycle, as dowry, as alleged in the First Information Report, is not correct. The petitioners are residing separately with the deceased and her husband and they have got no concern



with the day to day life of the deceased and/or her husband. The husband of the deceased is already in custody.

5. On the other hand, learned Additional Public Prosecutor vehemently opposed the prayer for bail and submits that within fourteen months of the marriage, the deceased was killed by the petitioners for demand of dowry.
6. I have heard learned counsel for the parties and have gone through the materials on record including the impugned order.
7. The petitioners are the family members of the deceased, Within fourteen months of the marriage, the informant's daughter died an unnatural death in her matrimonial home. From perusal of the case diary, inquest report and the post mortem examination report, it appears that the deceased was having mark of assault on her forehead and neck. The doctor, who conducted the post mortem examination of the body of the deceased, has opined that the deceased died due to mechanical asphyxia caused by strangulation by legature material. After the occurrence, the petitioners fled away form the place of occurrence. There is a presumption against the accused persons under



Section 113(B) of the Evidence Act. The offence is serious in nature and the punishment thereof is also serious.

8. Accordingly, I am not inclined to grant anticipatory bail to the petitioner no. 2, Chandan Kumar (Criminal Misc. No. 36001 of 2025) and petitioner nos. 1 and 2, namely, Anita Devi and Rajesh Mahto (Criminal Misc. No. 36537 of 2025).
9. These applications, so far as petitioners, namely, Chandan Kumar, Anita Devi and Rajesh Mahto are concerned, are dismissed.
10. However, considering the fact that the petitioner no. 1, Gunja Kumari (Criminal Misc. No. 36001 of 2025), is the unmarried sister-in-law of the deceased, aged about 23 years, I am inclined to grant her privilege of anticipatory bail.
11. Let the petitioner, Gunja Kumari (Criminal Misc. No. 36001 of 2025), in the event of her arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial



Magistrate, 1st Class, Muzaffarpur, in connection with Paroo Police Station Case No. 366 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

12. Criminal Misc. No. 36001 of 2025, so far as petitioner, Gunja Kumari is concerned, is allowed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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