

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40704 of 2025

Arising Out of PS. Case No.-304 Year-2024 Thana- MAHISHI District- Saharsa

1. Manoj Mukhiya S/O Babu Prasad Mukhiya R/O Village- Gandaul @ Garaul, P.S- Maheshi (jalai O.P.), Distt.- Saharsa.
2. Saroj Mukhiya S/O Babu Prasad Mukhiya R/O Village- Gandaul @ Garaul, P.S- Maheshi (jalai O.P.), Distt.- Saharsa.
3. Hema Devi W/O Saroj Mukhiya R/O Village- Gandaul @ Garaul, P.S- Maheshi (jalai O.P.), Distt.- Saharsa.
4. Asha Devi W/O Manoj Mukhiya R/O Village- Gandaul @ Garaul, P.S- Maheshi (jalai O.P.), Distt.- Saharsa.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 09-07-2025 Heard Mr. Nafisu Zzoha, learned counsel appearing on behalf of the petitioners, and Mr. Binod Kumar, learned Additional Public Prosecutor appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Mahisi P.S. Case No. 304 of 2024 registered under Sections 80, 352, 351(2) and 3(5) of the BNS.

3. As per the allegation made in the FIR, all the accused persons who are family members for non-fulfillment of demand of dowry with a common intention have killed the daughter of the informant.

4. Learned counsel appearing on behalf of the



petitioners submitted that petitioner nos. 1 and 2 are own brothers of husband of the deceased and petitioner nos. 3 and 4 are own sisters-in-law of the deceased. They have no concern with the household matters of the deceased. Petitioners have no role in any manner to have supported the co-accused who is the husband of the deceased in causing death due to non-fulfillment of demand of dowry. He further submitted that from the allegation made in the FIR, it appears that there is no allegation that any time before the alleged incident of death of the deceased, any demand of dowry was made, which as per the recent law laid down by the Apex Court is required to consider the veracity of the accusation, especially against the in-laws, who have been made accused in the commission of murder under Section 304 of the Indian Penal Code. The petitioners being innocent having clean antecedent deserve to be released on bail. Learned counsel lastly submitted that the mother-in-law of the deceased has been released on regular bail by a co-ordinate Bench of this Court *vide* order dated 16.04.2025 passed in Cr. Misc. No. 18479 of 2025. The petitioner nos. 1 and 2 were not present at the time of alleged occurrence.

5. Mr. Girish Chandra Jha, learned counsel vehemently opposed the pre-arrest bail application and submitted that several injuries were found on the body of the deceased and there is direct allegation against the petitioners who along with



husband of the deceased being close family members, brothers and sisters-in-law with the common intention have committed murder of daughter of the deceased.

6. Having considered the rival submissions made on behalf of the parties as well as the allegations made in the FIR and observations made in the impugned order, I find that the multiple injuries were found on the person of the deceased in course of *post-mortem*. Due to complicity of petitioner nos. 3 and 4, who are sisters-in-law of the deceased and against whom there is specific allegation of committing the crime, I am not inclined to enlarge them on pre-arrest bail.

7. Accordingly, pre-arrest bail application with respect to petitioner nos. 3 and 4 stands rejected.

8. As for petitioner nos. 1 and 2, who are the own brothers of husband of the deceased, I find that it has been stated on their behalf that they were not found present at the time of death of the deceased, nor any allegation is made in the FIR and also in view of the general and omnibus nature of the allegation made in the FIR against them, they are directed to be released on pre-arrest bail.

9. The learned District Court is directed to release the petitioner nos. 1 and 2 on anticipatory bail, in the event of their 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 only) each with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with **Mahisi P.S. Case No. 304 of 2024**, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

10. The learned District Court is directed to verify the criminal antecedent of the petitioner nos. 1 and 2, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners, as what has been stated in paragraph no. 3, this order will lose its force automatically.

11. At this stage, learned counsel appearing on behalf of petitioner nos. 3 and 4 submitted that they will surrender before learned District Court and seek regular bail and in such circumstances, if petitioner nos. 3 and 4 surrender and file regular bail application, the learned District Court is directed to expeditiously dispose of the bail application on the same day.

(Purnendu Singh, J)

Shahnawaz/-

U		T	
---	--	---	--

