

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59754 of 2025

Arising Out of PS. Case No.-158 Year-2025 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Azad Kumar Mahto @ Pintu S/O Late Umesh Mahto R/O Village- Jitwarpur Nizamat, P.S- Samastipur (Muffasil), Distt.- Samastipur.
 2. Roshni Kumari W/O Azad Kumar Mahto @ Pintu R/O Village- Jitwarpur Nizamat, P.S- Samastipur (Muffasil), Distt.- Samastipur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Umesh Mahto D/O Ram Kishun Mahto R/O Village- Shahpur Patori, Nagar Parishad Ward No. 19, P.S- Patori, Distt.- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Rambabu Yadav, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-09-2025 Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 80(2) and 3(5) of the B.N.S..

3. The prosecution case, in brief, is that marriage of daughter of informant was solemnized with co-accused Amit Mahto as per Hindu rites and rituals and out of the wedlock, they have two children. It is alleged that after marriage, all the F.I.R. named accused persons, including these petitioners, committed torture and harassment with the victim due to non-fulfillment of demand of dowry and subsequently, killed her by



strangulating.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. Petitioners have falsely been implicated in this case merely because Petitioner No. 1 happen to be younger brother-in-law of deceased and Petitioner No. 2 happens to be wife of Petitioner No. 1. Petitioners are victim of over implication. There are general and omnibus allegations and there is no specific allegation of demand of dowry or torture against these petitioners. Petitioners are separate in mess and property and have got no concern with the affairs of the deceased and her husband. Thrust of accusation is against husband of the deceased. It is lastly submitted that similarly situated co-accused person, namely Sushila Devi, has already been granted privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 12.08.2025 passed in Cr. Misc. No. 52470 of 2025. Petitioners claim clean antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances, general and omnibus nature of accusation, claim based on parity and



clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged 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 Additional District and Sessions Judge 2nd, Samastipur in connection with Mufassil P.S. Case No. 158 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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