

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84502 of 2024

Arising Out of PS. Case No.-395 Year-2023 Thana- MAJHAULIA District- West Champaran

1. Mushhar Prasad @ Lal Bahadur Prasad @ Musahar Prasad @ Lalbabu Prasad @ Mushahar Mahto S/o Late Jairam Prasad @ Jairam Mahto R/o vill - Karamwa, ward no. 7, P.S. - Majhauria, Distt.- West Champaran
2. Krishna Prasad @ Krishna Kumar S/o Sri Musahar Prasad @ Lal Bahadur Prasad @ Lal Babu Prasad @ Mushahar Mahto R/o vill - Karamwa, ward no. 7, P.S. - Majhauria, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Mayank Mohan, Adv.
For the Opposite Party/s :	Mr. Ajit Kumar, APP.
	Mr. Adarsh Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-01-2025 Heard learned counsel for the petitioners, learned A.P.P.

for the State and learned counsel for the informant.

2. The petitioners seek bail in a case registered for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code.

3. All the F.I.R. named accused persons including the petitioners, on non-fulfillment of demand of dowry, in furtherance of the common intention are said to have committed murder of the daughter of the informant after assaulting and concealed her dead body.

4. It is submitted by learned counsel for the petitioners that



the petitioners are quite innocent and have committed no offence. No offence as alleged has ever taken place. Petitioners are father-in-law and brother-in-law of the deceased, respectively. They have falsely been implicated in this case due to ulterior motive. All the allegations levelled against the petitioners are totally false and based on concocted facts. It is further submitted that in the present case, out of five prosecution witnesses, two were examined. It is further submitted that husband of the deceased has not been made accused in the present case, but unfortunately, he met an accident and at the present time, he is admitted in hospital and there is no person to look after the husband of the deceased. It is further submitted that petitioners have no criminal antecedent and they have been languishing in custody since 07.01.2024.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, since the petitioners are in-laws of the deceased, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is



pending/the Successor Court, in connection with Majhau liya
P.S. Case No. 395 of 2023 with the following conditions:-

(1) One of the bailors will be own close relatives of the
petitioners who will give an affidavit genealogy as to how he is
relative to petitioners. The bailor will also undertake to inform
the court if there is any change in the address of the petitioners.

(2) The bailor shall also state on affidavit that he will
inform the court concerned if the petitioners are made accused
in any other case of similar nature after their release in the
present case and thereafter the court below will be at liberty to
initiate the proceeding for cancellation of bail on ground of
misuse.

(3) The petitioners shall remain physically present in the
court on each and every date during trial and in the event of
failure on two consecutive dates without sufficient reasons, their
bail bonds shall be liable to be cancelled by the learned court
concerned.

(4) The petitioners shall co-operate with the investigation,
if not already concluded and make themselves available and
when so required and in case of failure, the State shall be at
liberty to move for cancellation of bail.

(5) The petitioners shall appear before the Police Station



of their local area in the first week of each month till the disposal of the present case.

7. With the aforesaid observations, the bail application is allowed.

(Anjani Kumar Sharan, J)

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