

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41030 of 2026**

Arising Out of PS. Case No.-51 Year-2024 Thana- Rajeshwari District- Supaul

1. Mamta Devi W/O Ashok Kumar @ Ashok Mukhiya @ Ashok Kumar Mukhiya Resident of Village- Beriya Ward No. 2, P.S. Rajeshari, District Supaul
2. Mahendra Mandal @ Mahendra Mukhiya Son of Late Bhoshi Mukhiya @ Mausi Mukhiya @ Ram Das Mandal Resident of Village- Beriya Ward No. 2, P.S. Rajeshari, District Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kamal Kishore Singh, Adv.  
For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      01-07-2026                      Heard the learned Advocate for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rajeshwari P.S. Case No. 51 of 2024, registered for the offences punishable under Sections 80(2), 103(1) and 3(5) of the B.N.S.

3. The marriage of the daughter of the informant was solemnized with co-accused Mukesh Mukhiya. However, she was subjected to demand of dowry and on account of non-fulfillment of the same, she was tortured in various ways. Though from the wedlock of the husband and wife, two children were born out, but the accused persons kept on demanding dowry and



finally the daughter of the informant was done to death.

4. Learned Advocate for the petitioners submitted that petitioner no. 1 is the cousin mother-in-law, whereas the petitioner no. 2 happens to be Up-Sarpanch of the Panchayat and not even the family members, but only on account of instigation led by some unscrupulous villagers, their names have been implicated in this case. The police after investigation have submitted final form and not sent up the petitioners for trial. The copy of the final report has been marked as Annexure-P/2 to the application. Differing with the final report, the learned jurisdictional Court has taken cognizance against all the accused persons named in the FIR for the offence under Section 80(2) and 103(1) of the B.N.S., hence the present application seeking anticipatory bail. Both the petitioners have been separate mess and business and no concern with the day-to-day affairs of the other accused persons and of the victim.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that from the FIR, it appears that they have also participated in causing the death of the daughter of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the police in



course of investigation has not found any material against the petitioners and accordingly, the petitioners have not been sent up for trial, besides the fact the petitioner no. 1 is distantly related and the petitioner no. 2 happens to be Up-Sarpanch and not even a family member, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1<sup>st</sup> Class, Supaul in connection with Rajeshwari P.S. Case No. 51 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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