

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71010 of 2024

Arising Out of PS. Case No.-142 Year-2022 Thana- NIMCHAKBATHANI District- Gaya

1. Suraj Kumar @ Surajdev Prasad S/o Late Shyamdev Mahto R/o vill - Sudhi, P.S. - Islampur, Distt. - Nalanda
2. Sunaina Devi W/o Late Shyamdev Mahto R/o vill - Sudhi, P.S. - Islampur, Distt. - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surendra Prasad S/o Krishna Mahto R/o vill - Sudhi, P.S. - Islampur, Distt. - Nalanda

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74719 of 2024

Arising Out of PS. Case No.-142 Year-2022 Thana- NIMCHAKBATHANI District- Gaya

1. Anandev Mahto @ Ananddev Mahto @ Daroga Mahto S/o Late Ramsharan Mahto R/o Village- Neemthu, P.S.- Neemchak Banthani, District- Gaya
2. Shanti Devi W/o Rahul Kumar R/o Village- Neemthu, P.S.- Neemchak Banthani, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surendra Prasad Son of Krishna Mahto Resident of Village - Pachlowa, P.S. - Islampur, District - Nalanda

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71010 of 2024)

For the Petitioner/s : Mr. Prithivi Raj Singh, Adv

For the Opposite Party/s : Mr. Shantanu Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 74719 of 2024)

For the Petitioner/s : Mr. Prithivi Raj Singh, Adv

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-01-2026

CRIMINAL MISCELLANEOUS No.71010 of 2024

Heard the parties.

2. Both petitioners are named in the F.I.R. and are



apprehending their arrest in connection with Neemchak Bathani P.S. Case No. 142 of 2022 registered for the offences punishable under Sections 498-A and 302 of the Indian Penal Code.

3. The allegation against petitioners is to help the main co-accused, who is the husband of petitioner Rahul Kumar to cause death of sister of informant (first wife) with whom he married in the year 2010.

4. It is submitted by learned counsel appearing on behalf of the petitioners that both petitioners implicated with the present case in very general and omnibus manner for the simple reason being brother and mother of Shanti Devi second wife of Rahul Kumar. It is pointed out that admittedly both petitioners were living separately and out of suicide of the sister of informant present false implication was raised. While concluding argument, it is submitted that above named petitioners are of clean antecedent.

5. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of anticipatory bail submitted that both petitioners actively participated in the occurrence.

6. In view of aforesaid factual submission and by taking note of fact as petitioners appears to be implicated only being relatives of second wife with very general and omnibus allegation, accordingly both above named petitioners, in the event of their



arrest or surrender before the trial court within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Gaya/concerned Court, where the case is pending in connection with Neemchak Bathani P.S. Case No. 142 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

CRIMINAL MISCELLANEOUS No.74719 of 2024

Heard the parties.

2. Both petitioners are named in the F.I.R. and are apprehending their arrest in connection with Neemchak Bathani P.S. Case No. 142 of 2022 registered for the offences punishable under Sections 498-A and 302 of the Indian Penal Code.

3. The allegation against petitioners is to help the main co-accused, who is the husband of petitioner Rahul Kumar to cause death of sister of informant (first wife) with whom he married in the year 2010.

4. It is submitted by learned counsel appearing on behalf of the petitioners that due to non-fulfillment of demand of dowry as raised for cash of Rs. 50,000/- sister of informant was



forced to consume poison. It is submitted that marriage of deceased sister of informant was solemnized with Rahul Kumar son of petitioner no. 1 in the year 2010 and as there was no issue from said marriage, under consent he solemnized second marriage with petitioner no. 2 in the year 2013-14. They were living happily and only in the year 2022 i.e., after 9 years when out of certain domestic quarrel son of petitioner no. 1 was beaten petitioner no. 2, deceased wife came to save her and when she failed to persuade Rahul Kumar she consumed **celphos** due to which she died. It was stated that after her death family members of deceased wife created ruckus and in planned and formulated manner after about 12 years of marriage raised allegation in the background of dowry demand which is not appears convincing.

5. Arguing further, it is submitted that petitioner no. 1 is the father and petitioner no. 2 is second wife of petitioner with whom he married in the year 2013 implicated without any reason. While concluding argument, it is submitted that above named petitioners are of clean antecedent.

6. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of anticipatory bail submitted that both petitioners actively participated in the occurrence.

7. In view of aforesaid factual submission and by taking



note of fact as allegation against petitioners appears raised in very general and omnibus manner, where marriage of the husband of deceased was solemnized with petitioner no. 2 in 2013-14 itself, as submitted aforesaid and also demand of dowry as raised through present FIR appears very much remote *qua* occurrence, accordingly both above named petitioners, in the event of their arrest or surrender before the trial court within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Gaya/concerned Court, where the case is pending in connection with Neemchak Bathani P.S. Case No. 142 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J.)

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