

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81080 of 2025

Arising Out of PS. Case No.-95 Year-2025 Thana- PURUSHOTTAMPUR District- West
Champaran

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1. Malti Devi wife of Dashrath Mahto R/o Pandey Tola, P.S. - Bettiah (Muffasil), District - West Champaran.
 2. Dashrath Mahto Son of Bhola Mahto R/o Pandey Tola, P.S. - Bettiah (Muffasil), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 08-01-2026 Heard learned counsel for the petitioners and
learned APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 80(2) and 3(5) of B.N.S., 2023.

3. As per the prosecution case, informant's daughter was married to Daroga Mahto in the year 2023, out of the wedlock a child was born. Further, on 26.07.2025 her daughter along with the child after dinner went to sleep in their room. It is next alleged that under a conspiracy, her husband along with the accused persons including the petitioners assaulted her daughter and killed her by putting a pillow on her face. Accordingly, on



receiving information, the informant reached the place of occurrence and informed the police and the dead body was sent for postmortem.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. Further submission is that petitioners are sister-in-law and brother-in-law of the deceased respectively. Petitioners are separate in mess and property. They were not involved in the day to day life of the deceased and her husband. There is no allegation of torture or dowry. It is next submitted that from perusal of the allegations, as alleged in the FIR, it would manifest that the informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion. It is also submitted that doctors opined the cause of death as asphyxia due to hanging. Similarly situated co-accused persons have already been granted anticipatory bail by a Co-ordinate Bench of this Court *vide* order dated 10.12.2025 passed in Cr. Misc. No. 80478 of 2025. Petitioners have got no criminal antecedent and they undertake to cooperate in the investigation and trial.

5. Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bettiah, West Champaran in connection with Purushottampur P.S. Case No. 95 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita.

7. However, it is made clear that if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioners despite giving assurance to this Court are not cooperating in the investigation, in that event, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

(Sunil Dutta Mishra, J)

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