

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54149 of 2015

Arising Out of PS.Case No. -124 Year- 2014 Thana -SARMERA District- NALANDA
(BIHARSHARIFF)

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1. Sangita Devi wife of Sri Dinesh Mahto,
2. Kavita Devi wife of Ganesh Mahto
3. Urmila Devi wife of Parmeshwar Mahto All are resident of village
Imadpur P.S. Bhadaur, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.58268 of 2015

Arising Out of PS.Case No. -124 Year- 2014 Thana -SARMERA District- NALANDA
(BIHARSHARIFF)

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1. Dinesh Mahto @ Dinesh Kumar
2. Ganesh Mahto @ Ganesh Kumar
3. Prameshwar Mahto @ Prameshwar Kumar @ Pramesh Kumar All sons
of Ashok Prasad, All R/o Village-Imadpur, P.S.-Bhadaur, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.54149 of 2015)

For the Petitioner/s : Mr. Satyendra Narayan Singh

For the Opposite Party/s : Mr. Matloob Rab(App)

(In Cr.Misc. No.58268 of 2015)

For the Petitioner/s : Mr. Satyendra Narayan Singh

For the Opposite Party/s : Mr. S.Ehteshamuddin(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 29-02-2016

Counsel for the petitioners, after making submissions

at some length, seeks permission to withdraw the application i.e.

Cr. Misc. No. 58268 of 2018.

Cr. Misc. No. 58268 of 2015 stands dismissed as
withdrawn.

Petitioners of Cr. Misc. No. 54149 of 2015 are facing

prosecutions punishable under sections 498A, 304B, 201, 120B/34 of the Indian Penal Code vide Sarmera P.S. Case No. 124 of 2014.

The brother of the victim lodged the case alleging that within five months of marriage of the victim with the brother of the husbands of the petitioners, she was done to death in a mysterious circumstances while she was at Sasural. There was dowry demand by the in-laws and on account of the non-fulfillment thereof, she was earlier tortured. The body was removed.

Contention of the petitioners is that they live separately. The victim was offered medical assistance and while being treated by the Doctor, she died. There was panchayati also in respect of the occurrence. One of the contentions is that the petitioners being lady members are not in a dominating position in the family and, as such, they deserve the privilege of anticipatory bail in the background that no independent witness has supported the allegation of torture or unnatural death within the precincts of Sasural. They have no criminal background as well.

In the event of arrest or surrender in the Court below within four weeks, the petitioners of Cr. Misc. 54149 of 2015 namely Sangita Devi, Kavita Devi and Urmila Devi are directed to

be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Ranjan Kumar Mishra, Judicial Magistrate, 1st Class, Nalanda at Biharsharif in Sarmera P.S. Case No. 124 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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