

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41214 of 2014

Arising Out of PS.Case No. -424 Year- 2013 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Suraj Mahto Son of Ashok Mahto resident of Village - Krishi Bazar (Pani
Tanki Tola) Ward No. 3, P.S. Shikarpur, Narkatiaganj, District - Paschim
Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 21-01-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offence punishable under Sections- 304B/34 of the Indian Penal Code and the fact that the petitioner is the husband, could have by itself clearly disentitled him for being granted regular bail till the trial but then there are two mitigating factors. Firstly, that he has got two issues from the marriage with the deceased and secondly, there are materials to show either on the basis of the Post Mortem Report or from the attending circumstances that it could also be a case of suicide of the wife of the petitioner on account of an altercation in

preceding night.



This Court therefore having regard to the aforesaid two mitigating circumstance as well as taking into account the period of custody of the petitioner i.e since 21.02.2014 as also the admitted of his having no criminal antecedent would direct for his being released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **Chief Judicial Magistrate, Bettiah** in connection with **Sikarpur P.S. Case No. 424 of 2013**, subject to the following conditions:-

(i) That both the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the bailor shall also state on affidavit that he will inform the Court concerned if

the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Ranjan/-

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