

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23824 of 2020**

Arising Out of PS. Case No.-176 Year-2019 Thana- BARURAJ District- Muzaffarpur

Nilesh Mahto, S/o Sakinder Mahto, Resident of Village- Pansalwa Gopinath,
P.S.- Baruraj, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh-1, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 09-10-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner is apprehending his arrest in connection with Baruraj P.S. Case No.176 of 2019 registered for the offence punishable under Sections 304B, 201, 120B/34 of the Indian Penal Code.

The allegation is that for non-fulfilment of demand



of dowry, the informant's daughter has been subjected to cruelty and thereafter done to death at her matrimonial home.

The petitioner's counsel submits that the petitioner who happens to be the cousin of the victim's husband has been implicated in this case without any rhyme or reason. The father-in-law of the victim is the brother of petitioner's father. They have been living separately for the last 15-20 years and the petitioner has no concern with the victim and her family. His implication is because of strained relationship between the petitioner and the victim's family. The petitioner has no criminal antecedents.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be 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 the learned Judicial Magistrate 1st Class, Muzaffarpur, in



connection with Baruraj P.S. Case No.176 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

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

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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