

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24707 of 2020

Arising Out of PS. Case No.-339 Year-2019 Thana- MAHARAJGANJ District- Siwan

OM PRAKASH MAHTO Son of Late Vishwakarma Mahto Resident of
Village- Pokhra, P.S.- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

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

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Maharajganj P.S. Case no.



339 of 2019 instituted for the offence under Section(s) 304(B) and 34 of the I.P.C.

The informant has alleged that the daughter of his younger brother has been done to death for demand of dowry on account of cruelty perpetrated by her in-laws.

It is submitted by the petitioner's counsel that the petitioner is '*Dewar*' of the deceased. The victim and her husband were separated after their marriage, which, even as per the FIR, took place in 2010 though occurrence is alleged on 24.12.2019. The offence under Section 304B of the IPC, therefore, would not be attracted. In fact, the marks on the neck of the deceased suggests suicide. The husband is already in custody.

The petitioner is in custody since 25.12.2019.

The learned APP has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, 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 ACJM Vth Siwan in connection with Maharajganj P.S. Case no. 339 of 2019, 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.

(Madhuresh Prasad, J)

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