

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 22755 of 2020**

Arising Out of PS. Case No.-50 Year-2020 Thana- DARIYAPUR District- Saran

1. BATESHAR MAHTO @ BATESHWAR MAHTO S/O- Late Lagan Mahto Resident of Village - Darwasha, P.S. - Dariyapur, District - Saran at Chapra.
2. Ramchandra Mahto S/O Late Lagan Mahto Resident of Village - Darwasha, P.S. - Dariyapur, District - Saran at Chapra.
3. Raja Mahto @ Raja Kumar S/O Late Bateshar Mahto @ Bateshwar Mahto Resident of Village - Darwasha, P.S. - Dariyapur, District - Saran at Chapra.
4. Jawahir Mahto S/O Late Devnandan Mahto Resident of Village - Baherwa Gachhi, P.S. - Nayagaon, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Ms Suman Kumari, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 29-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels 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 petitioners and the learned APP for the State.

Petitioners apprehend their arrest in connection with Dariyapur Police Station (for brevity, *PS*) Case No 50 of 2020



instituted for the offence punishable under Section (s) 304B/34 of Indian Penal Code.

The informant has alleged that his daughter had been complaining that she was being subjected to demand of dowry. On 19.02.2020, he has received information that his daughter has been hanged to death.

Learned counsel for the petitioners submits that the falsity of the First Information Report (for brevity, *FIR*) is apparent from the fact that the death allegedly occurred on 19.02.2020, *FIR*, however, has been lodged on 21.02.2020. In the *FIR*, the informant has claimed that he does not even know the name of his son-in-law's father. Petitioners No 1, 2 and 3 are agnates having no concern with the deceased and her husband as they are separate in mess and worship and petitioner No 4 is a resident of different village. However, they have been implicated in this case on extraneous considerations. Own brother of the husband Lalan Mahto has not been implicated in this case and in the *FIR*, there is no allegation as to the amount demanded on account of dowry or make of the vehicle which allegedly was being demanded.

Learned APP for the State has opposed the prayer for anticipatory bail.



In the facts and circumstances of the case, prayer of petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra in connection with Dariyapur PS Case No 50 of 2020 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

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

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as



pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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