

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23835 of 2020**

Arising Out of PS. Case No.-213 Year-2019 Thana- UDAKISHUNGANJ District-
Madhepura

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Surendra Mahto, Son of Ram Lal Mahto, R/o Village- Jhalari, P.S.- Gwalpara,
Distt- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Smt. Meena Singh, APP

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**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 Uda Kishunganj P.S. Case No.213 of 2019
registered for the offence punishable under Section 304B of the
Indian Penal Code.

The case of the prosecution is that the informant's



daughter was killed for non-fulfilment of demand of dowry.

Referring to the First Information Report, it is submitted by the petitioner's counsel that according to the case of the informant herself, who is the mother of the deceased, demand in the nature of dowry was being made by the husband of the deceased. There is allegation in the FIR of matrimonial discord and assault made by the husband of the deceased. There is no specific allegation against the petitioner of having made any demand of dowry. He submits that the petitioner has been implicated only because he, being the maternal uncle of the husband of the deceased, is closely related to the husband of the deceased. The petitioner has no criminal antecedents. It is further submitted that the father-in-law, mother-in-law and brother-in-law of the deceased have already been enlarged on anticipatory bail in Cr.Misc. No.79389 of 2019, vide order dated 18.12.2019. The husband of the deceased is in custody.

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 Additional Chief Judicial Magistrate, Uda Kishunganj, District-Madhepura, in connection with Uda Kishunganj P.S. Case No.213 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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