

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21272 of 2020

Arising Out of PS. Case No.-164 Year-2019 Thana- SARMERA District- Nalanda

SHARVAN MAHTO @ SHARWAN MAHTO Son of Late- Kisun Mahto
Resident of Village- Ahiyapur Musahri, P.S.- Samrera, District- Nalanda.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Ms.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-01-2021 Heard learned counsel for the petitioner and Ms.
Sangeeta Sharma, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Sarmera P.S. Case No. 164 of 2019 registered for the offences punishable under Section 304(B), 201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that this petitioner is father-in-law of the deceased and he has been brought in this case on the strength of general and omnibus kind of allegations. It is his submission that in course of investigation no material at all has come against this petitioner and the fact that the petitioner had no dispute with his daughter-in-law has not been controverted by any independent witness.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but after going through the case diary, learned APP has informed this Court that some of the



independent witnesses of the place of occurrence have stated that the deceased had some quarrel with her husband and later on the witnesses came to know that she died. So far as this petitioner is concerned, no independent material has been brought in course of investigation to allege that he was instrumental in the death of his daughter-in-law.

Having regard to the facts and circumstances of the case and the kind of materials placed before this Court particularly the views of the independent witnesses which are recorded in the case diary, let in case of his arrest or surrender the petitioner above named within a period of four weeks from today in connection with Sarmera P.S. Case No. 164 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Sarmera, Nalanda, subject to the condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Let the case diary be returned and kept on the record.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

