

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7432 of 2021**

Arising Out of PS. Case No.-228 Year-2018 Thana- LALGANJ District- Vaishali

=====

KUNDAN MAHTO Son of Anup Mahto Resident of Village- Piyarma, P.S.-
Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms Bela Singh, Advocate

For the Opposite Party/s : Mr Mritunjay Kr Nirala, APP

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 29-06-2021 This case has been taken up for consideration today
through Video Conferencing.

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

The petitioner seeks bail in Lalganj Police Station
(for brevity, *PS*) Case No 228 of 2018 dated 30.06.2018
instituted for the offence punishable under Sections 304B, 201,
120B/34 of Indian Penal Code.

Petitioner happens to be the husband of the alleged
victim. The victim's father has lodged the case alleging that his
daughter was married with the petitioner in the year, 2014 and
that on 29.06.2018, petitioner's cousin (co-accused) intimated
that the informant's daughter was suffering with severe illness.



By the time the informant has reached his daughter's matrimonial home, it is alleged that the daughter's body has been disposed of.

Learned counsel for the petitioner submits that from the First Information Report (for brevity, *FIR*) itself, it is obvious that intimation was given by the instant petitioner's cousin regarding the petitioner's wife suffering with illness. From perusal of the *FIR*, it is obvious that it has been lodged one day after the alleged occurrence. The informant, in fact, has participated in the last rites of the victim and based on some extraneous considerations and misconception, the *FIR* was lodged. Realizing his mistake, the informant has subsequently filed a petition stating the circumstances in which the *FIR* was lodged under misconception. The petitioner, under such circumstances, continues to be in custody since 16.09.2020 and has no criminal antecedent.

Learned APP has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate IX, Vaishali in connection with Lalganj PS Case No



228 of 2018 dated 30.06.2018, GR No 3158 of 2018 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.

Learned counsel for the petitioner 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./-

U		T	
---	--	---	--

