

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8451 of 2022

Arising Out of PS. Case No.-365 Year-2019 Thana- BIDUPUR District- Vaishali

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BRIJ NANDAN MAHTO SON OF LATE YOGI MAHTO R/O VILLAGE-
MADHURAPUR, P.S.- BIDUPUR, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pratima Kumari

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bidupur P.S. Case No. 365 of 2019 registered for the alleged offences under Sections 304(B) and 201 of the Indian Penal Code.

As per prosecution case, the daughter of the informant was killed by her in-laws on account of the demand of dowry and they disposed of her dead body. The petitioner is father-in-law of the deceased.

Learned counsel for the petitioner submits that the

petitioner is innocent and has been falsely implicated in this case. The daughter-in-law of the petitioner died due to illness during her treatment and the petitioner has nothing to do with her death. The informant has also moved an application before the learned C.J.M. Vaishali in which he has stated that he has committed mistake and further stated that deceased died during her treatment. Learned counsel further submits that there is no specific allegation against the petitioner and similarly placed co-accused person namely, Sikandar Mahto has been granted anticipatory bail vide order dated 16.08.2021 passed in Cr. Misc. No. 1774 of 2020 and other co-accused persons namely, Kanchan Devi, Dharmendra Mahto and Bindu devi have also been granted privilege of anticipatory bail vide order dated 13.12.2021 passed in Cr. Misc. No. 4375 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 19.11.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is named in the FIR for causing the death of his daughter-in-law on account of demand of dowry.

Having regard to the submissions made hereinabove and considering the fact that petitioner is father-in-law against whom general and omnibus allegations, without attributing any specific overt act, have been made and further considering the fact that

other similarly placed co-accused persons have been granted bail/ anticipatory bail and charge sheet has been submitted in this case and the petitioner is in custody since 19.11.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XI, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 365 of 2019, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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