

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10562 of 2022

Arising Out of PS. Case No.-120 Year-2018 Thana- SAHIYARA District- Sitamarhi

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RANJEET KUMAR @ RANJEET MAHTO SON OF UPENDRA MAHTO
R/O VILLAGE- BELA PARSA, P.S.- SONBARSA, DISTRICT-
SITAMARHI

... .. Petitioner/s

Versus

1. The State of Bihar
2. PAWAN DEVI WIFE OF RANJEET KUMAR @ RANJEET MAHTO,
D/O- LATE PACHCHU MAHTO R/O VILLAGE- BELA PARSA, P.S.-
SONBARSA, DISTRICT- SITAMARHI, AT PRESENT R/O VILLAGE-
MAUDAH, P.S.- SAHIYARA, DISTRICT- SITAMARHI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Sahiyara

P.S. Case No. 120 of 2018 registered for the offence under

Sections 341, 323, 498(a), 494, 504 and 34 of the Indian Penal

Code and ¾ of D.P. Act.

The accused/petitioner is named in the F.I.R. and is in

custody since 23.09.2021 after cancellation of provisional bail

by this Court through Cr. Misc. 18391 of 2020 dated 27.01.2021



and prior to that the petitioner was in custody from 07.02.2020 to 01.12.2020 i.e. total about 20 months.

The allegation against the petitioner is to commit cruelty against the informant/wife in the background of demand of dowry and also to solemnize marriage, during subsisting marriage with the informant/wife.

Learned counsel appearing on behalf of the petitioner submitted that it is admitted position that second marriage by the petitioner was solemnized during the lifetime of the wife/informant, without getting it dissolved following due process of law. It has further been submitted that if maximum period of conviction, if petitioner found guilty after trial, it cannot be more than 3 years for Section 498(a), 02 years for Section 04 of D.P. Act. It is submitted that offence under Section 494 is bailable. It is also submitted that punishment for offence alleged under Section 3 of D.P. Act is maximum of 05 years, where the Court have extraordinary power to impose the punishment for less than 05 years. It has further been submitted that petitioner is in custody for more than half of the conviction period, and as such also accrued a right of bail under Section 436A of the Cr.P.C. While concluding the argument, it has also been submitted that the petitioner is involved in other 03 cases,



in which, he is on bail.

Learned APP, while opposing the prayer of bail, fairly conceded the fact about the custody period of the petitioner.

Considering the facts and circumstances as mentioned above and also considering the period of custody of the petitioner, as discussed above, let the petitioner, above named, is directed to be released on bail in connection with Sahiyara P.S. Case No. 120 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Sadar, Sitamarhi, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Upendra Mahto @ Opindra Mahto, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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