

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20709 of 2021

Arising Out of PS. Case No.-299 Year-2020 Thana- DARIYAPUR District- Saran

Chhotu Mahto Son of Gopi Mahto Resident of Village - Tarwan Magarpal,
P.S.- Dariapur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

WITH
CRIMINAL MISCELLANEOUS No. 47562 of 2021

Arising Out of PS. Case No.-299 Year-2020 Thana- DARIYAPUR District- Saran

Pancham Mahto S/O Late Langar Mahto @ Lachan Mahto R/O Village-
Tarwa Mangarpal (Tedha Par), P.S.- Dariyapur, District- Saran At Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20709 of 2021)

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Ajit Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 47562 of 2021)

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

7 18-01-2022 The applicants/accused in Crime No. 299 of 2020

registered with Dariapur Police Station for the offences

punishable under Sections 304B, 201 read with Section 34 of



the Indian Penal Code, by these applications are seeking their release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicants/accused. They submit that the applicant Pancham Mahto is behind bar from July, 2021 and Applicant Chhotu Mahto is behind bar from September, 2020. The charge sheet has already been filed. It is further argued that applicant Pancham Mahto is uncle of the husband of the deceased and he was residing separately from applicant Chhotu Mahto who is husband of the deceased. It is further argued that deceased died natural death and therefore she was cremated on the Smasan Ghat on 28.08.2020, the receipt of which is placed at page No.17 in bail application of Pancham Mahto.

The learned Additional Public Prosecutor, relying on the counter affidavit filed by the Investigating Officer, opposed the application by contending that witnesses are supporting the prosecution case and accused persons had concealed the dead body of the victim after committing her murder.

The learned counsel for the first informant submits that the dead body is not yet recovered.

I have considered the submissions so advanced and



also perused the materials placed before me including the case-diary.

The FIR of the subject crime was lodged by Harinder Mahto. He alleged that his daughter Puja Kumari married the applicant one year prior to her death. It is further alleged that on 30.08.2020 neighbours of his daughter informed that his daughter was murdered by her in-laws. According to the first informant, when he went to the house of the in-laws of his daughter, nobody was found there. According to the prosecution case, the accused persons were demanding a gold chain from deceased Puja Kumari and when she was refusing to oblige they were assaulting her.

Investigating of the crime in question is already over. The applicants are undergoing pretrial detention. Though in the counter affidavit it is stated that the case is of the murder, the prosecution itself has filed charge sheet under Section 304B of the Indian Penal Code. The receipt at page-17 of the paper book of applicant Pancham Mahto shows that the deceased was cremated at the funeral Ghat of Gorla on 28.08.2020.

In this view of the matter, I see no reason to deny bail to the applicants. Hence, the order :-



i. The applications are allowed.

ii. The applicants/accused in Crime No. 299 of 2020 registered with Dariapur Police Station for the offence punishable under Sections 304B/201/34 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) each on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicants/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicants/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicants/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicants should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.



The applicants to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicants/accused.

(A. M. Badar, J)

Mkr./-

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