

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24572 of 2021

Arising Out of PS. Case No.-108 Year-2014 Thana- SAHPUR District- Patna

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1. GITA DEVI Wife of Janak Mahato Resident of Village - Daudpur, Bind Toli, Danapur, P.S.- Shahpur, Dist.- Patna
 2. Ramu Mahato Son of Janak Mahato Resident of Village - Daudpur, Bind Toli, Danapur, P.S.- Shahpur, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 19-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 304(B),201,34 of the Indian Penal Code.

Allegation against the petitioners is of committing torture and caused death of the victim due to non-fulfillment of demand of dowry.

Learned counsel appearing for the petitioners submits



that petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that petitioner No.1 is mother-in-law and petitioner No.2 is husband of the deceased and it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that the similarly situated co-accused persons, namely, Janak Mahato has been granted bail vide order dated 03-09-2019 in Cr. Misc. No.55396 of 2019 and co-accused, namely, Sudama Mahto and Ashok Mahto have also been granted bail vide order dated 26.08.2019 in Cr. Misc. No.52359 of 2019 by different Coordinate Benches of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioners and the petitioner No.1 is in custody since 03.07.2020 and petitioner No.2 is in custody since 14.02.2020 respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and period of custody, let the petitioners, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is



pending in connection with Shahpur P.S. Case No. 108 of 2014
with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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