

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27969 of 2021**

Arising Out of PS. Case No.-174 Year-2019 Thana- KARAKAT District- Rohtas

SANTOSH KUMAR MEHTA @ SANTOSH MEHTA, Son of Ramjee Mehta
Resident of Village - Bad Tola, P.S. - karakat, District - Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagendra Upadhyay
For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 27-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Karakat P.S.
Case No. 174 of 2019, registered for the offences punishable
under Sections 304(B), 34 of the Indian Penal Code.

As per the prosecution case, daughter of the informant
was married to co-accused Pramod Mahto on 07.05.2018. It is
alleged that after the marriage, this petitioner along with others,
as named in the FIR, started demanding dowry and due to non-
fulfillment of the same, daughter of the informant was subjected



to cruelty and on 02.07.2019, the informant was informed on mobile that his daughter has died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner has committed no offence in the present FIR. He further submits that the death of the victim was due to T.B. and treatment has been properly done at Surat. He further submits that the husband of the deceased has not made the accused in the present case. He further submits that there is no specific allegation against the petitioner and it appears from the FIR that there is general and omnibus allegation against the accused person. He further submits that the similarly situated co-accused namely, Ramji Mahto has been granted bail by the coordinate Bench of this Court vide order dated 14.10.2020 passed in Cr. Misc. No.26764 of 2020 and the petitioner is in custody since 19.12.2020.

The learned Additional Public Prosecutor opposed the prayer of bail and submitting that on the basis of the material available on record as well as case diary that during investigation, it has come in paragraph No. 58 and 59 of the case diary that the deceased has been died due to T.B. and



Doctor also supported that the death of the deceased was due to T.B.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bikramganj, Rohtas, in connection with Karakat P.S. Case No. 174 of 2019, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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