

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31967 of 2021

Arising Out of PS. Case No.-110 Year-2020 Thana- MAHINDWARA District- Sitamarhi

1. Binda Devi W/O Chhotelal Mahto R/o village- Gidha Fulwaria, P.S.- Mahindwara, Distt.- Sitamarhi
2. Chhotelal Mahto S/O Late Ram Chandra Mahto R/o village- Gidha Fulwaria, P.S.- Mahindwara, Distt.- Sitamarhi
3. Raju Kumar Mahto @ Raju Mahto S/O Chhotelal Mahto R/o village- Gidha Fulwaria, P.S.- Mahindwara, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Md. Qumrul Hoda, Advocate
For the Opposite Party/s :	Mr. Md. Fahimuddin, A.P.P.
For the Informant :	Mr. Santosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-06-2022 Heard learned counsel for the petitioners and learned counsel for the Informant as well as learned A.P.P. for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Learned counsel for the petitioners submits that during the pendency of the present petition petitioner no.2 Chhote Lal Mahto has been arrested and therefore this application with regard to the aforesaid petitioner has become infructuous. Hence, he seeks permission to withdraw this application with regard to petitioner no.2 only.

The petitioners apprehend their arrest in a case



registered for the offences punishable under Section 341, 323, 304(B) of the Indian Penal Code.

According to prosecution case, the informant has alleged in his written complaint that that he married his daughter Anu Kumari with one Rahul Kumar Mahto on 19.02.2019, however after marriage she was being tortured by her in-laws for non-fulfillment of demand of dowry and he came to know that on 30.08.2020 she has been killed by strangulation.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits petitioner no.1 is mother-in-law and petitioner no.3 is the brother-in-law (Bhaisur) of the deceased. He further submits that in fact they are living separately and they have no concerned with the personal affairs of the deceased family and the similarly situated co-accused, namely, Savita Devi has been granted bail by this Court vide order dated 06.06.2022 passed in Cr. Misc. No. 29825 of 2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners no. 1 and 3, above named, in the event of their



arrest or surrender within a period of four weeks, be released on anticipatory bail 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 Mahindwara P.S. Case No. 110 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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 bond 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.

3. 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 antecedent, 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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