

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25142 of 2022

Arising Out of PS. Case No.-94 Year-2020 Thana- SHEKHPURA District- Sheikhpura

Azad Mandal Mahto, Son of Mohan Mahto Resident of Mohalla - Indaipar,
Ward No.- 18, P.S.- Sheikhpura, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2022 Heard learned counsel for the petitioner and the learned
APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with
Sheikhpura P.S. Case No.94 of 2020 instituted under Sections
498(A), 302/34 of the Indian Penal Code.

The allegation in the FIR is that the informant's daughter
was married to the petitioner herein ten years ago and the couple had
three children. On the fateful day, 29.02.2020, he got information that
his daughter had died and the petitioner and his family members are
behind her death which he alleged to have been killed. Accordingly,
the FIR was lodged and some of the accused persons were earlier
arrested while the petitioner came into judicial custody on
01.02.2022.

Learned counsel for the petitioner submits that the mother



of the petitioner namely Uma Devi was in judicial custody and the Trial with respect of her had started. He has brought on record the deposition of the informant Satish Mahto who appeared as DW-4 before the Trial court in which he has averred that after the marriage, her daughter was happy in the family and had no problem. He has further on cross-examination narrated that there was no allegation of dowry and her in-laws had informed him about the death through telephone and they were waiting for him before cremating her daughter. He has further stated that he is illiterate and only puts his signature and failed to realize what has been narrated in the FIR.

Learned counsel for the petitioner further submits that he is in custody since 01.02.2022 and has no criminal antecedent and he is the unfortunate husband whose wife is no more and he is in custody which has seriously jeopardized the future of his three children.

Taking into account the aforesaid facts as also the deposition of DW-4, Satish Mahto @ Satish Kumar which is part of the bail application and the fact that he is in custody since 01.02.2022 and has no criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sheikhpura P.S. Case No.94 of 2020 to the satisfaction of learned Chief Judicial Magistrate,



Sheikhpura, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself.

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

Nothing recorded in this order shall be taken into account while as and when the Trial with relate to the petitioner commence.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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