

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25126 of 2022

Arising Out of PS. Case No.-108 Year-2020 Thana- BALTHAR District- West Champaran

Sadhu Mahto @ Sadhu Sharan Prasad, Son of Late Sukhadi Mahto Resident
of Village - Purainiya, P.S.- Balthar, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, 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 Balthar P.S. Case No.108/2020 instituted under Sections
304B/120-B/34 of the Indian Penal Code.

The petitioner herein is the father-in-law of the
deceased lady. The allegation in the FIR is that the informant
got knowledge about killing of the deceased lady, Rani Devi.
When the family reached her in-laws house they found her dead
body. It has further been alleged that the marriage was
solemnized with Kanhaiya Mahto in 2017 and the accused
persons regularly demanded Rs.1,00,000/- and used to torture
the lady, which finally resulted into her killing.



Learned counsel for the petitioner submits that the petitioner is the father-in-law and has no role to play in the matter. He further submits that as per the FIR itself, the family members of the deceased lady was informed, the body was present in the home when they arrived and subsequently it was sent for the postmortem. He further submits that taking into account all the aforesaid facts, the husband of the deceased lady, Kanhaiya Mahto has since been released on bail by a co-ordinate Bench of this Court vide Cr. Misc. No.32738/2021 disposed of on 02.02.2022.

Taking into account the aforesaid fact that the petitioner is father-in-law, there is no allegation of disappearance of the body after the alleged death/strangulation of the deceased lady, the husband namely Kanhaiya Mahto has been granted the privilege of bail, is in jail since 26.10.2021 (as stated in para-15 of the bail application) and has clean 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 Balthar P.S. Case No.108/2020 to the satisfaction of learned Additional Chief Judicial Magistrate,IV, Bettiah, West Champaran, 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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