

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.36539 of 2021**

Arising Out of PS. Case No.-134 Year-2019 Thana- BARURAJ District- Muzaffarpur

PRAHALAD MAHTO @ PRAHALAD KUMAR S/O CHANAR MAHTO  
R/O VILLAGE-PANSALVA (GOPINATHPUR), P.S. BARURAJ,  
DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Opposite Party/s : Mr.Ashok Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA  
ORAL ORDER**

3      03-01-2022                      Heard learned counsel for the petitioner and learned  
counsel for the State.

Petitioner seeks bail in connection with Baruraj P.S.  
Case no. 134 of 2019 registered for the offence punishable  
under section 304B/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that  
petitioner is in custody since 23.1.2021, is person with clean  
antecedent and charge sheet has been submitted. It is further  
alleged that the informant in the FIR alleges that his daughter  
was married to the petitioner and family members of the  
petitioner including the petitioner were demanding motorcycle  
and she-buffalo and due to non-fulfillment of the demand, it is  
alleged that victim was killed at the instigation of the petitioner



on 1.7.2019. Learned counsel submits that petitioner is husband and was married with the deceased in the year 2011 as it has come in the case diary, further he was working as mason and was in UAE from 31.8.2017 to 8.8.2020 as would be evident from passport which is annexed as annexure 3 to the petition. Learned counsel submits that the informant under misconception instituted the present case.

Learned APP opposes the prayer for bail but is not able to meet the submissions of learned counsel for the petitioner with regard to the statements made by Krishna Mahto, Shambhu Mahto and Prabhu Mahto at paras 38, 39 and 40 of the case diary who are own brothers of the deceased and have stated that their sister was ill and it was her father-in-law who got her treated by doctor but the informant under the influence of someone, instituted the present case, as such, it is submitted that brothers of the deceased have not supported the prosecution case.

Considering the facts that petitioner is in jail custody, is person with clean antecedent, charge sheet has been submitted and during course of investigation, own brothers of the deceased have not supported the prosecution case and have stated that FIR was instituted under misconception, the petitioner is



directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Mahendra Mishra, Judicial Magistrate, Ist Class (west), Muzaffarpur/ concerned court in Baruraj P.S. Case no. 134 of 2019.

(Satyavrat Verma, J)

s.hassan/-

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