

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31138 of 2022

Arising Out of PS. Case No.-293 Year-2021 Thana- KADWA District- Katihar

KAMLESHWARI MAHTO S/o- Late Sampat Lal Mahto R/o- Hachalpur,
P.S.- Kadwa, Distt.- katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail in a case registered for the
offences punishable under Sections 498(A), 304(B)/34 of the
Indian Penal Code.

According to prosecution case, as per the F.I.R. is that
all the accused persons including this petitioner subjected to
cruelty and torture with daughter of informant namely Babita
Kumari for non-fulfillment of dowry demand of one motorcycle
and ultimately they with a conspiracy killed his daughter by
hanging.

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 in fact the petitioner is the father-in-law of the deceased and petitioner has no concern at all with the family affairs of the deceased. He further submits that in fact the husband of the deceased is in jail custody and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.12.2021.

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

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Kadwa P.S. Case No. 293 of 2021, 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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