

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42666 of 2021**

Arising Out of PS. Case No.-309 Year-2020 Thana- PIPRA District- East Champaran

SANTOSH KUMAR MAHTO S/O LATE MANGAL MAHTO R/o village-
Ashok Pakadi Nanhkar Tola, P.S.- Pipra, District- East Chamapran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 25-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 11.02.2021,
seeks regular bail in connection with Pipra P.S. Case No. 309 of
2020 for the offence punishable under Sections 304B,
201/34/120B of the Indian Penal Code.

The prosecution case, in brief, is that the daughter of
the informant was married to the co-accused Kundan Kumar
Mahto in accordance with Hindu rites and rituals. After some
time, she was subjected to cruelty for non-fulfillment of demand



of Rs.50,000/- and a motorcycle by the accused persons including the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the petitioner is separated from the family of the accused persons. The petitioner is cousin brother of the husband of the deceased and he is separate in mess by all metes and bounds. Charge sheet has already been submitted in this case. Petitioner has no criminal antecedent and he is in custody since 11.02.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner on the ground that the petitioner is involved in a heinous crime.

Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner and there being no direct allegation against the petitioner with respect to demand of dowry neither there is any allegation that he was involved in the murder or disposing of the dead body nor such allegation is supported by any witness in course of investigation, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each



to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Pipra P.S. Case No. 309 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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