

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35609 of 2022

Arising Out of PS. Case No.-81 Year-2021 Thana- KANHAULI District- Sitamarhi

VINDESHWAR MAHTO S/o Late Saryug Mahto Resident of Village - Parsa
Khurd, Police Station- Kanhauli, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Madhubala Verma

For the Opposite Party/s : Ms.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Petitioner seeks regular bail in Kanhauli P.S Case
No. 81 of 2021 registered for the offences punishable under
Sections 302, 201/34 of the Indian Penal Code.

Allegedly, this petitioner and co-accused persons
always demanded five lakh rupees from the victim and on
account of non-fulfillment of the said demand the accused
persons including the petitioner killed the victim and
disappeared the body of the deceased.

The main submissions advanced by learned counsel
Mrs. Madhubala Verma appearing for the petitioner are that the
marriage of the informant's daughter was solemnized with the



son of this petitioner 12 years ago and after the marriage three children were born from the conjugal relationship with the deceased and the son of the petitioner and during the long period of said 12 years the deceased never complained of any type of cruelty for the demand of dowry against this petitioner and co-accused persons, in fact the deceased got complication in breathing during COVID-19 period and finally she died, after her death her father fabricated a false story and lodged the F.I.R and after the institution of the instant case, the informant realized his mistake and filed a petition before the court below denying the allegation of the F.I.R. Further submission is that petitioner is an old person and he is father-in-law of the deceased and he has been languishing in jail since 17.05.2022, against him there is no specific allegation in the F.I.R.

Mrs. Madhuri Lata, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the FIR. The petitioner is stated to be father-in-law of the deceased and the reason to commit the alleged occurrence is stated to be demand of five lakhs rupees which was being made by the accused persons including the petitioner from the deceased, but in the F.I.R against the petitioner, there is no specific allegation with regard



to the said demand, marriage of the victim took place 12 years ago with the son of this petitioner and there are three children from the said wedlock.

Considering these facts, petitioner deserves to a lenient approach of this Court. Let the petitioner 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 Chief Judicial Magistrate, Sitamarhi in Kanhauli P.S Case No. 81 of 2021.

(Shailendra Singh, J)

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