

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38972 of 2022

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

1. CHANNAR MAHTO @ CHANAR MAHTO S/o Late Jagarnath Mahto
2. MINA DEVI W/o Channar Mahto @ Chanar Mahto.
Both R/o village- Pansalwa (Gopinathpur), P.S.- Baruraj, District-
Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioners and the
learned APP for the State through virtual mode.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioners are in judicial custody in connection
with Baruraj P.S. Case No.134 of 2019 instituted under Sections
304(B)/34 of the IPC.

As per the FIR, the informant solemnized his
daughter's marriage with Prahlad Mahto son of Chanar Mahto.
Further alleged that his son-in-law used to demand of
motorcycle and a she-buffalo in dowry and on the instigation
and support of Prahlad Mahto his daughter has been killed and
hanged by father-in-law and inlaws of the family. Accordingly,



the FIR was lodged.

Learned counsel for the petitioners submit that there has been unfortunate death of the daughter-in-law (Babita Devi) but so far as these petitioners who are father-in-law and mother-in-law are concerned, they had no role to play inasmuch as they were separated by metes and bounds. It is his further submission that so far to the knowledge of the petitioner, the lady was ill and was under medical treatment by husband but it was unfortunate that she died, thereafter, the case has been lodged and they have been dragged. It is his last submission that the husband has been granted bail vide Cr. Misc. No.36539 of 2021 on 03.01.2022 by a co-ordinate Bench of this Court.

Taking into account that the fact that the petitioners are father-in-law and mother-in-law, are in custody since 11.04.2022 and 17.03.2022 respectively, charge-sheet stands submitted, they do not have criminal antecedent, the husband has been granted bail, as stated above, this Court is inclined to grant them privilege of bail.

Let both the petitioners 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 Baruraj P.S. Case No.134 of 2019 to the satisfaction of learned Judicial



Magistrate, Ist Class, Muzaffarpur (West), subject to following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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