

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53633 of 2021

Arising Out of PS. Case No.-357 Year-2021 Thana- KISHANGANJ District- Kishanganj

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GANESH LAL MAHTO SON OF LATE UMESH LAL MAHTO R/O
VILLAGE- KOIRI BASTI, LAHRA CHOWK, P.S.- KISHANGANJ,
DISTRICT- KISHANGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Kishanganj P.S. Case No. 357 of 2021 registered for the offence under Sections 304-B and 34 of the Indian Penal Code.

Niece of the informant is subjected to assault and torture on account of non-fulfillment of demand of dowry and she has been done to death by the F.I.R. named accused persons.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, the petitioner happens to be father-in-law of the deceased and he has no concern with the alleged occurrence as he along with his wife used to live separately from the deceased and her husband. Neither the petitioner has demanded any dowry nor he has assaulted the deceased in any manner. No specific allegation of assault or torture is attributed to the petitioner rather general and omnibus allegation has been levelled against him which is evident from the F.I.R. itself. Moreover, the husband of the deceased has already surrendered before the court below and he has been in judicial custody since 24.07.2021. The petitioner, who is an old man, is rotting in judicial custody since 18.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, 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 learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 357 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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