

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58898 of 2021

Arising Out of PS. Case No.-378 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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CHUNNI LAL MAHTO Son of Jaddu Mahto @ Jadu Mahto Resident of
Village and P.O. - Majorganj, P.S. - Majorganj, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. SARITA KUMARI W/o Chunni Lal Mahto, D/o Ram Ekbal Mahto At
present R/o Village - Bela Chamahi, P.S. - Chhauradano, District - East
Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	: Mr.Madhurendra Kumar
For Complainant/OP No.2	: Mr. Uday Kumar
For the State	: Mrs.Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-02-2022 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2/ complainant and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Trial No. 2963
of 2021 arising out of Complaint Case No. 378 of 2019
registered for the offences punishable under Section 498 A of
the IPC.



The prosecution story, in brief, is that the marriage of opposite party no. 2/ complainant was solemnized with the petitioner on 19.04.2019 but due to non fulfilment of demand of motorcycle, the accused persons used to torture the opposite party no. 2. It is further alleged that when she conceived, petitioner and his parents aborted her. It is further alleged that on 17.08.2019 all the accused persons poured kerosene oil on her and threatened to set fire. It is further alleged that on the refusal made by her to leave her matrimonial house, the accused persons on 19.08.2019 tried to kill her by setting fire. It is further alleged that on 20.08.2019 all the accused persons left the opposite party no. 2 at her natal place after taking her belongings.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that as per allegation in the complaint petition, the accused persons attempted to kill the complainant but there is no injury report on the record with the complaint petition. He further submits that during pendency of this application, a compromise petition has been filed in the court below. Petitioner is in custody since 16.06.2021.



Learned counsel for the informant also confirms the filing of compromise petition before the court below.

The learned Additional Public Prosecutor opposed the prayer of bail.

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 Sub-divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Trial No. 2963 of 2021 arising out of Complaint Case No. 378 of 2019, 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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