

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62556 of 2021**

Arising Out of PS. Case No.-115 Year-2021 Thana- BAHADURPUR District- Patna

CHADESHWAR MAHTO Son of Late Jaglal Mahto Resident of Rampur,
Naharpar, Mahaveer Asthan, P.S. - Bahadurpur, District - Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pratyush Kumar

For the Opposite Party/s : Mr.Asha Kumari

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

5 10-08-2022

Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Bahadurpur P.S. Case No. 115 of 2021
registered for the alleged offences under Sections 304(B), 201
and 34 of the Indian Penal Code.

As per prosecution case, the younger sister of the
informant was killed by the petitioner and other co-accused
persons on account of their demand of dowry. The petitioner is
father-in-law of the deceased.



The learned senior counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in this case. The sister of the informant committed suicide as she was depressed and the whole family was under tremendous financial constraints due to lock down imposed restrictions. The deceased was also suffering from Covid -19 deceased. She was not subjected any violence and the fact gets supported by the post-mortem report which shows no external injuries on the body of the deceased Furthermore, it shows cause of death as asphyxia due to hanging, which also shows suicide by the sister of the informant. Learned senior counsel further submits that the deceased was taken to the Gulbi Ghat crematorium as it was designated place for cremation during the Covid period and as the deceased was showing the symptoms of Covid -19 naturally she was taken there for cremation. Learned counsel further submits that co-accused wife of this petitioner has been granted bail vide order dated 08.08.2022 passed in Cr. Misc. No. 35500/2022. The petitioner is in custody since 23.05.2021.

Learned counsel appearing on behalf of the informant opposes the prayer for bail of this petitioner submitting that the petitioner and other co-accused surreptitiously took away the sister of the informant for cremation without any information to



the informant or his family members and when she was about to be cremated, the informant reached there and stopped the cremation. Thereafter, the dead body was sent for post-mortem.

Perused the records.

Having regard to the submission made hereinabove and considering the general nature of allegation against this petitioner without any substantive material against him for his role in the alleged occurrence and also considering grant of bail to similarly placed co-accused along with submission of charge sheet and period of custody of the petitioner who is aged about 71 years, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Patna in connection with Bahadurpur P.S. Case No. 115 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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