

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72115 of 2021

Arising Out of PS. Case No.-138 Year-2021 Thana- DARAUNDA District- Siwan

1. Dinanath Mahto @ Dinanath Prasad, Son of Late Jang Bihari Prasad, Resident of Village - Pipara Mathiya, Police Station - Daraunda, District - Siwan.
2. Rajesh Mahto @ Rajesh Prasad, Son of Dinanath Mahto @ Dinanath Prasad, Resident of Village - Pipara Mathiya, Police Station - Daraunda, District - Siwan.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP
For the Informant	:	Mr. Ashok Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2022 At the outset, learned counsel for the petitioners submits that due to typographical errors in paragraph '16' of the petition, it has been wrongly stated that the FIR has been lodged after four days. Learned counsel does not press that part of the statement in paragraph '16'.

Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners, learned counsel for the informant and Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Daraunda P.S. Case No. 138 of 2021 registered for the offences punishable under Sections 304(B)/34 of the Indian Penal



Code. They are in custody since 19.08.2021. The petitioners have no criminal antecedent.

Learned counsel for the petitioners submits that the allegation against the petitioners is that for non-fulfillment of demand of dowry, they killed the daughter of the informant.

Learned counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. It is submitted that there is no specific allegation against them and the deceased had committed suicide. It is submitted that the petitioners have no criminal antecedent and they are in custody in connection with this case since 19.08.2021.

Learned APP for the State and learned counsel for the informant are present and have opposed the prayer for regular bail of the petitioners.

Having regard to the submissions that these petitioners are father-in-law and brother-in-law respectively, in the FIR there is no specific allegation against them, the submission is that the deceased had committed suicide and these petitioners are in custody since 19.08.2021, investigation against them is complete and their presence may also be secured in course of trial, therefore, this Court directs that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Siwan, in connection with



Daraunda P.S. Case No. 138 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

