

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4815 of 2023

Arising Out of PS. Case No.-481 Year-2021 Thana- LAHERIYASARAI District- Darbhanga

Ganesh Mahto Son Of Late Baidhnath Mahto R/O Village- Alinagar, Ward
No.1, P.S.- L.N.M.U., District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Rajeev, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
02.09.2022 in connection with Laheria Sarai P.S. Case No. 481
of 2021, F.I.R. dated 04.10.2021 registered for the offence
punishable under Sections 313,304(B),34 of IPC.

Allegation against the petitioner is that he alongwith
other co-accused persons have in furtherance of their common
intention committed the dowry death of the daughter of the
informant.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the ground that the
petitioner is husband of the deceased. Further submits that the



FIR of the occurrence as alleged in the FIR is 06.08.2021 but the present FIR has been instituted on 04.10.2021 after delay of nearly two months without giving any explanation of delay. Further submits that as a matter of fact that the deceased had died during her treatment and the allegation as alleged in the FIR is false and fabricated and it has come during investigation in paragraph-27 of the case diary that she had died during treatment and the cause of death ascertained in the postmortem report is cardiac arrest and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.09.2022.

Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 learned Chief Judicial Magistrate, Darbhanga in connection with Laheria Sarai P.S. Case No. 481 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 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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