

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11813 of 2022

Arising Out of PS. Case No.-45 Year-2020 Thana- VAISHALI District- Vaishali

Ramesh Mahto, male, aged about 22 years, S/O Jageshwar Mahto Resident Of
Village- Bibipur Manora, P.S.- Vaishali (Belsar O.P.), Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baxis S R P Sinha, Sr. Adv. with
Ms. Pratima Kumari, Adv.
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

11 30-01-2023 Heard learned senior counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State of Bihar.

The petitioner seeks bail in connection with Vaishali
(Belsar O P) PS Case No. 45 of 2020, dated 08-02-2020, registered
for the offence punishable under Sections 304(B)/34 of the Indian
Penal Code.

As per the prosecution case, marriage of the petitioner was
solemnized with the informant's daughter (victim) on 24-06-2018
and thereafter, she has been subject to cruelty for non-fulfillment of
the demand for dowry, whereafter, it is alleged that she has been done
to death by strangulating her.

Learned senior counsel for the petitioner submits that
petitioner is in custody since 27-12-2021. He has handed over
certified copy of deposition of the informant, namely, Nilam Devi
(PW 3) at the trial and submitted that she has not fully supported the
prosecution case at the trial. It is further submitted that the same case
gave rise also to Sessions Trial No. 179 of 2022, wherein, other co-
accused persons were being tried and they have also been granted
bail. It is further submitted that petitioner has no antecedents and it is



a case of false implication.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the material relied upon by learned senior counsel representing the petitioner and period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Chief Judicial Magistrate, Vaishali at Hajipur, in connection with (Belsar O P) PS Case No. 45 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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