

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29242 of 2023

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

SURESH MAHTO Son of Dinanath Mahto Resident of village - Daraunda
Tole Hardiyara, P.S. - Daraunda, Distt. - Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Sessions Trial No. 262 fo 2022 arising out of Daraunda P.S.
Case No. 262 of 2022 registered for the offence under
Sections 304(B)/34 of the Indian Penal Code.

The daughter of the informant is subjected to
assault and torture on account of non-fulfillment of demand
of dowry by the petitioner and others and she has finally
been done to death for want of dowry.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He



further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that In fact, there is general and omnibus allegation against the petitioner and no specific allegation of assault or any overt act is attributed to the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 06.03.2022.

Learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the petitioner happens to be husband of the deceased and he has also played a pivotal role in the alleged occurrence.

A report with regard to present stage of the trial has been called for by this Court vide order dated 11.08.2023 which has been received and forms part of this application at Flag-B. On perusal thereof, it would reveal that the record is pending for the appearance on the point of charge.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the



petitioner is languishing in judicial custody since 06.03.2022.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1st, Siwan in connection with Daraunda P.S. Case No. 138 of 2021/ Sessions Trial No. 262 of 2022 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 canceled 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.

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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