

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42646 of 2023**

Arising Out of PS. Case No.-39 Year-2023 Thana- NOWKOTHI GARHPURA District-  
Begusarai

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Ram Prakash Mahton son of Late Ramswarup Mahton @ Late Swarup  
Mahton Village- Haripur Ward no-6, Ps- Alauli Dist- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Verma wife of Ganesh Kumar, D/o- Santosh Kumar Village-  
Rajakpur Ps- Nawkothi Dist- Begusarai

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Santosh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

ORAL ORDER

2      14-07-2023                      Let the defect(s), if any, be removed within two weeks  
from today.

2. Heard learned counsel for the petitioner, learned  
counsel for the informant and learned A.P.P. for the State.

3. The petitioner seeks regular bail in connection with  
Nawkothi P.S. Case No. 39 of 2023 dated 05.04.2023, lodged  
under Sections 313, 498(A), 504/ 34 of the I.P.C. read with  
Section 3/4 of the Dowry Prohibition Act.

4. As per the prosecution case, the F.I.R. has been  
lodged against seven named accused persons including the  
present petitioner in which the allegation against all accused  
persons is that they were forcefully provided medicine to the

informant and upon refusal to consume it, all assaulted her, due to which, miscarriage took place to her.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that petitioner is father-in-law of the alleged victim. Counsel submits that another criminal case has also been filed by the informant against all accused persons, in which cognizance was not taken against the present petitioner, thereafter, the present F.I.R. has been lodged, in which petitioner has been made accused against other one.

6. Learned counsel for the petitioner further submits that the petitioner is in custody since 16.05.2023, in which charge-sheet has already been filed. Counsel further submits that the petitioner is an old aged person of about 65 years.

7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that petitioner's bail application may be rejected, as his name is there in the F.I.R.

8. Learned counsel for the State opposes the prayer for bail.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount

each to the satisfaction of learned Court of C.J.M., Begusarai in connection with Nawkothe P.S. Case No. 39 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

10. With this observation, the bail application stands allowed.

**(Dr. Anshuman, J.)**

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