

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49667 of 2022

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

Deepu Mahto Son Of Jageshwar Mahto R/O Village- Manora Urf
Mahamadpur Pathera, P.S.- Belsar O.P., District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankit Katriar, Adv

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-01-2023 Heard learned counsel for the petitioner and learned APP for
the State.

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

Petitioner seeks bail in connection with Vaishali P.S. Case No. 45 of 2020 registered under Sections 304(B) and 34 of the Indian Penal Code.

The petitioner (*deceased's bhaisur*) had been made an accused along with the other family members, including husband for causing death of the informant's daughter in her matrimonial home within two and half years of her marriage. The allegation is that due to non-fulfillment of demand for dowry, informant's daughter was killed.



Learned counsel for the petitioner submits that by virtue of his relationship with the deceased, the petitioner has been implicated in this case with general and omnibus allegations. Obviously, the informant is not an eyewitness. The petitioner was separated in residence and mess from the other accused persons and deceased. On account of his implication based on suspicion, he has remained in custody since 15.07.2022. The petitioner is stated to be man of clean antecedent.

The learned APP has opposed the prayer for bail. He submits that the petitioner is named accused and there are allegations under section 304(B) of IPC against the petitioner along with family members.

Considering the rival submissions as also the facts and circumstances of the case, this Court is inclined to allow the petitioner's prayer for bail.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in Vaishali P.S. 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.

(Madhuresh Prasad, J)

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