

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58368 of 2023**

Arising Out of PS. Case No.-381 Year-2009 Thana- PATNA COMPLAINT CASE District-  
Patna

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1. DHANMANTI DEVI WIFE OF DHARMENDRA MAHTO RESIDENT OF VILLAGE- BARAHPUR BIND TOLI, BISHAHARI ASTHAN, PS-MOKAMA, DIST- PATNA
  2. GANGAJALI DEVI WIFE OF NANDA MAHTO RESIDENT OF VILLAGE- BARAHPUR BIND TOLI, BISHAHARI ASTHAN, PS-MOKAMA, DIST- PATNA. .. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Manoj Kumar Pandey, Adv.<br>Kumari Pallavi, Adv. |
| For the State        | : | Mr.Umesh Lal Verma, APP                             |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      07-10-2023                      Heard Mr. Manoj Kumar Pandey and Kumari Pallavi, learned counsel for the petitioners and learned Mr. Umesh Lal Verma, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 381(c) of 2009, dated 19.06.2009, registered for the offences punishable under Section 498(A) and 323 of the Indian Penal Code.

3. As per allegation, the accused persons including the petitioners used to torture the complainant and ultimately they ousted from her matrimonial house for non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners has submitted



that the petitioners have clean antecedents. They have falsely been implicated in the present case merely on the ground that they are the family members of the husband of the complainant. He further submits that from the complaint petition, it appears that there is no allegation of assault or overt act attributed against the petitioners, rather there is general and omnibus allegation against all the accused persons, including the petitioners. Petitioner no. 1 is mother-in-law and petitioner no. 2 is second wife of the husband of the complainant and in fact, the complainant has already solemnized her second marriage with one Rupan Mahto in the year 2011 itself.

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

6. Considering the aforesaid facts, let the above-named petitioners, in the event of their arrest or surrender within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Barh, District-Patna in connection with Complaint Case No. 381(c) of 2009, subject to the conditions laid down under Section 438(2) of the Cr.P.C and with further following conditions;



(i) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of their bail bonds.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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