

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60528 of 2022

Arising Out of PS. Case No.-215 Year-2018 Thana- LAKHNAUR District- Madhubani

1. Ram Ganesh Prasad Mahto @ Ram Ganesh Singh @ Ram Ganesh Prasad S/o Laxmi Narayan Singh Resident of village- Pure, P.S.- Lakhnaur, District- Madhubani.
2. Lila Devi W/o Ram Ganesh Prasad Mahto Resident of village- Pure, P.S.- Lakhnaur, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks' from today.

Heard Mr. Gagan Deo Yadav, learned counsel appearing on behalf of the petitioner and Mr. Chandra Sen Prasad Singh, learned Additional Public Prosecutor for the State.

The petitioners seek regular bail, who is in custody in connection with Lakhnaur P.S. Case No. 215 of 2018 registered for the offence punishable under Section 304B read with 34 of the Indian Penal Code.

The prosecution case is based on a written report filed by the informant alleging therein that he received an



information that his daughter has died on account of snake bite and for better treatment, she had referred to D.M.C.H., Darbhanga, however, she died in the way to hospital. It has further been alleged by the informant that the husband of the deceased Chandan Kumar and the petitioners by hatching conspiracy killed his daughter as they were demanding dowry and upon non-fulfillment of the same, she was subjected to torture.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are father-in-law and mother-in-law of the deceased and they have been residing separately from the deceased and, in fact, they have no concern with the day-to-day affairs of the deceased. He further submits that the deceased had herself consumed celphos on account of some altercation took place between the husband the deceased and further no other injuries have been found over the body of the deceased in the autopsy report. He next submits that so far as the husband is concerned, he is already in custody. In support of his submission that the petitioners have separate mess and business with the deceased, he has brought on record a photocopy of the ration card issued in favour of the petitioners which does not contain the name of the deceased and her



husband. He lastly submits that the petitioners are in custody since 18.07.2022 and now the investigation of the crime is complete.

On the other hand, learned counsel for the State opposes the bail application and submits that there is specific allegation that all the family members including the petitioners have forcefully administered celphos to the deceased.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are father-in-law and mother-in-law of the deceased having parted ways with her and her husband and they are in custody since 18.07.2022 as also the husband of the deceased is already in custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. I, Jhanjharpur, Madhubani in connection with Lakhnaur P.S. Case No. 215 of 2018, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every



date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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