

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63697 of 2023

Arising Out of PS. Case No.-226 Year-2023 Thana- DUMRA District- Sitamarhi

Yogendra Mahto @ Jogendra Mahto, aged about 80 years, Gender- Male,
S/O- Jugeshwar Mahto, Village Bajitpur Ward No 16, P.S.- Dumra, Dist.-
Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Dumra PS Case No. 226 of 2023 dated 30.04.2023, instituted
under Sections 304B/34 of the Indian Penal Code.

3. Prosecution case, as per the informant (grandfather
of the victim) is that his grand daughter was married with co-
accused, namely Ram Babu Mahto. It is alleged that petitioner
along with other accused persons, who are in-laws of the victim,
have killed the victim on 29-04-2023.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. It is submitted that petitioner, who is father-in-law of the
deceased is aged about 80 years old. It is submitted that after the



marriage of Anjana Devi with Ram Babu Mahto, the petitioner came to know that Anjana Devi has some mental issue and also, she cannot become a mother. However, the petitioner and his family members took all efforts for her treatment, but the condition of Anjana Devi did not improve and a person was needed to look after her and for this reason Ram Babu Mahto kept the Radha Devi to look after Anjana Devi. Later on, Ram Babu Mahto solemnized marriage with Radha Devi. It is next submitted that Radha Devi was residing in the same house of Ram Babu Mahto. It is also submitted that at the time of occurrence petitioner and other family members were working in the field and when they came to know Radha Devi has fallen, immediately she was taken to a hospital. Immediately, thereafter the family members of Radha Devi was also informed. Despite the best efforts of the doctor Radha Devi could not be saved. It is further submitted that husband of the deceased Radha Devi is in judicial custody. There is one criminal case pending against the petitioner since before, in which he is on bail.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within



six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No.226 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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