

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64201 of 2023

Arising Out of PS. Case No.-177 Year-2022 Thana- HASANPUR District- Samastipur

1. SHRI RAM MAHTO, Son of Ram Dev Mahto, R/o vill - Sarga Basatpur, P.S. - Hassanpur, Distt. - Samastipur
2. Milan Devi, Wife of Shri Ram Mahto, R/o vill - Sarga Basatpur, P.S. - Hassanpur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-12-2023 Heard Mr. Bijay Bhushan Prasad, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Hasanpur P.S. Case No. 177 of 2022 registered for the offences punishable under Sections 498(A), 364/34 of the Indian Penal Code.

3. Allegedly the marriage of the brother of petitioner no.1 was solemnized with the daughter of the informant way back in the year 2007 and from the aforesaid wedlock three children were also born, out of whom, the elder child is of 12 years of age. It is further alleged that despite the aforesaid facts,



the accused persons kept on demanding dowry and on account of non-fulfillment of the same she was tortured in various ways and ultimately done to death by all the accused persons.

4. It is submitted on behalf of the petitioners that the petitioners are brother-in-law and sister-in-law (Bhaisur and Gotani) of the deceased and they are living separately and have no concern with the affairs of the deceased and her husband. Moreover, the allegation of demand of motorcycle and other goods are levelled against the husband of the deceased. Even during the course of investigation, it has come that the deceased was mentally retarded woman and in the fateful day she had left her matrimonial house and thereafter she is trace less. He lastly submitted that admittedly the marriage of the deceased was solemnized in the year 2007 and after 15 years of marriage any demand of dowry does not inspire confidence. Moreover, the petitioners, having fair antecedent, undertake that they will fully cooperate in the investigation or in the proceedings of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that the dead body of the daughter of the informant is still trace less and the witnesses have supported the prosecution case.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the petitioners are brother-in-law and sister-in-law of the deceased and they have been residing separately and moreover the marriage was solemnized in the year 2007 and there is no specific allegation against the petitioners, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rosera, Samastipur in connection with Hasanpur P.S. Case No. 177 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

