

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61595 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Lalo Mahto, S/o Raj Kumar Mahto, Resident of village- Makardhi, Futpur
Tola, P.S.- Barauni (Refinery O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd., APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences
punishable under Sections 498 (A) and 304(B)/34 of the Indian Penal
Code.

According to prosecution case, the sister of the informant
is subjected to assault and torture by the petitioner and others on
account of non-fulfillment of demand of dowry. She is stated to have
been done to death.

Learned counsel for the petitioner submits that petitioner
has clean antecedent and he has falsely been implicated in this case.
He further submits that the petitioner is the husband of the deceased
and in fact the petitioner was not present at the time of occurrence in
the house. He further submits that the petitioner was working in the



State of Assam for his livelihood, and he is the only earning member of the family. He further submits that it has come during investigation that the victim has committed suicide herself. He further contends that the petitioner has never demanded any dowry nor he has assaulted the deceased in any manner. He also submits that during course of investigation children of the deceased have stated that deceased has herself committed suicide. He also submits that no case under Section 304B IPC is made out against the petitioner. He further submit that the police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 23.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Muffasil P.S. Case No. 21 of 2022, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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