

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63490 of 2022

Arising Out of PS. Case No.-319 Year-2019 Thana- PATORI District- Samastipur

Shravan Mahto S/O Devnandan Mahto, Resident of village- Kancha Rasalpur,
P.S.- Vidyapatinagar, District- Samastipur, .

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary
For the Opposite Party/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-02-2023 This case is listed for hearing out of turn on account of mentioning that father of the petitioner died on 30.01.2022 and Shradh Ceremony is to be performed on 10.02.2023 and 14.02.2023.

Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Patory
P. S. Case No. 319 of 2019, registered for the offences
punishable under Sections 201, 304 B and 34 of the Indian
Penal Code.

The prosecution case as emerges from the FIR is
that the marriage of the informant's daughter, namely,



Nibha Kumari was solemnized with one Ravi Kumar according to Hindu rites and customs. After some times, the husband and his family members started torturing her for non-fulfillment of illegal demand of dowry, and ultimately they killed her. It is also alleged that there was illicit relationship of the husband of the victim with another lady.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the F.I.R. and he has been implicated in this case during the course of investigation on the basis of suspicion only. He also submits that one of the F.I.R. named co-accused, Kamini Devi has already been enlarged on bail by a co-ordinate Bench of this Court *vide* order dated 23.01.2020, passed in Cr. Misc. No. 80734 of 2019.

He further submits that the petitioner has been languishing in jail since 15.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail



petition that the petitioner has moved this Court earlier for grant of anticipatory bail *vide* Cr. Misc. No. 32966 of 2021.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate – II, Samastipur, in connection with Patory P. S. Case No. 319 of 2019, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

It is made clear that in case the ground of out of turn hearing as mentioned by Ld. Counsel for the petitioner



is found to be false by the court below on information provided by the informant and the court below getting satisfied that the ground mentioned for out of turn hearing is false, the court below shall cancel the bail-bonds of the petitioner.

(Jitendra Kumar, J)

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