

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68066 of 2022

Arising Out of PS. Case No.-328 Year-2022 Thana- SIKARPUR District- West Champaran

SONALAL MAHTO @ SONELAL MAHTO SON OF SRI GENA MAHTO
R/O VILLAGE- BUDHWA CHAMPAPUR, P.S.- SHIKARPUR, DISTRICT-
WEST CHAMPARAN Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with Shikarpur P.S. Case No. 328 of 2022 registered for the offences under sections 304B and 34 of the Indian Penal Code lodged on 22.04.2022 by the informant, Moti Chandra Chaudhary.

That prosecution story in brief is as follows :-

(i) One Moti Chand Choudhary has given statement before the S.H.O., Shikarpur on 22.04.2022 that marriage between Lalsa Devi (deceased) and Sonelal Mahto was solemnized and on 10.12.2020 but was tortured for dowry.

(ii) he further alleged that on 22.04.2022, he sent his son to the Sasural of deceased Lalsa Devi to know her news who found her dead. He saw black spot on her neck. Then only he called informant on telephone. After getting information, informant reached the place of occurrence and saw that his



daughter was killed by pressing neck. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that immediately after the death, out of anguish the present FIR was lodged.

Subsequently, the police investigated the matter and found the same to be a case of section 306 of the Indian Penal Code and accordingly, submitted charge sheet on 11.07.2022 against the accused persons vide charge sheet no. 398 of 2022. Further, he has remained in custody since 23.05.2022 (as stated in paragraph-12 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the fact that the police investigated the matter and has finally submitted charge sheet under section 306 of the Indian Penal Code, he do not have criminal antecedent, is in custody since 23.05.2022 and will be facing the trial, this Court is inclined to grant him privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 328 of 2022, subject to the following



conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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