

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73616 of 2023

Arising Out of PS. Case No.-150 Year-2023 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. LAL BAHADUR MAHTO Son of Siyaram Mahto
 2. Kanchan Devi Wife of Lal Bahadur Mahto
 3. Ritu Kumari D/o Lal Bahadur Mahto
 4. Birendra Kumar Son of Siyaram Mahto
Petitioner Nos. 1 to 4 are R/o vill - Chauki, P.S. - S. Kamal, Distt. - Begusarai
 5. Bikash Kumar Son of Indra Bhushan Mahto R/o vill - Deoghra, P.S. - Mednichauki, Distt. - Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Juli Kumari W/o Dipak Kumar R/o vill - Chauki, P.S. - S. Kamal, Distt. - Begusarai, Presently residing at D/o Ghanshyam Singh R/o At P.O - Pansalwa, P.S. - Beldour, Distt. - Khagaria, Pin 852161

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Binode Bariar, Advocate
For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2023 Heard Mr.Kumar Binode Bariar, learned counsel for

the petitioners and Mr.Mukesh Kumar Singh,learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with S.Kamal P.S.Case No.150 of 2023, FIR dated
03.06.2023 registered for the offences punishable under
Sections 341,323,307,498(A)/34 of the Indian Penal Code.

3. Allegation against the petitioners and other co-



accused persons is of committing torture upon the victim due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and from a bare perusal of the FIR it appears that there is no specific allegation of any assault or demand of dowry attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners. Further submits that the petitioner Nos. 1 and 2 are father-in-law and mother-in-law, petitioner No.3 and 5 are married sister-in-law and brother-in-law and petitioner No.4 is uncle-in-law of the informant and they have no concerned at all with the family affairs of the informant and they are living separately from the family members of the informant.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the



court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate-IV, Begusarai in connection with S.Kamal P.S.Case No.150 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Nitesh/-

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