

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7296 of 2024

Arising Out of PS. Case No.-414 Year-2021 Thana- BHELDI District- Saran

1. Rajesh Mahto S/O Vidya Mahto R/O Village- Jogini Parsa, Ps. Bheldi, Dist. Saran.
2. Vidya Mahto S/O Late Bhola Mahto R/O Village- Jogini Parsa, Ps. Bheldi, Dist. Saran.
3. Arjun Kumar S/O Vidya Mahto R/O Village- Jogini Parsa, Ps. Bheldi, Dist. Saran.
4. Manisha Devi W/O Rajesh Mahto R/O Village- Jogini Parsa, Ps. Bheldi, Dist. Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr. Gajendra Kumar Singh, learned counsel

for the petitioners and Mrs. Sangeeta Sharma, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bheldi P.S. Case No. 414 of 2021, F.I.R. dated 23.12.2021 for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code.

3. According to prosecution case, on non-fulfillment of the demand of dowry, petitioners are said to have killed the sister of the informant by strangulating.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case merely on the ground that petitioners are in laws of the deceased. He further submits that the informant is not the eye witness in the present case merely on the basis of the suspicion the petitioners have been made accused in this case. He further submits that petitioner nos.1 & 3 are brothers-in-law, petitioner no.2 is father-in-law and petitioner no.4 is sister-in-law of the deceased. He further submits that there is no specific allegation of assault or any overt act is attributed against the petitioners rather there is general and omnibus allegations attributed against all the accused persons.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Chhapra, Saran in connection with Bheldi P.S. Case No. 414 of 2021, 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 his absence on two consecutive dates without sufficient reason, his bail bond 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 antecedent, the court below shall take step for cancellation of bail bonds 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)

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