

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15363 of 2024

Arising Out of PS. Case No.-547 Year-2023 Thana- SURSAND District- Sitamarhi

Ram Kripal Mahto S/o Ganga Mahto R/o Village- Amana, P.S.- Sursand,
Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Advocate

For the State : Mr. Nitya Nand Tiwary, APP

For the Informant : Mr. Devendra Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 26-06-2024 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the informant. Perused
the case diary.

2. The petitioner seeks bail in connection with
Sursand P.S. Case No. 547 of 2023 instituted for the offence
under Sections 323, 325, 304(B) & 34 of the Indian Penal Code
(for brevity ‘the IPC’) and Section 3/4 of the Dowry Prohibition
Act (for brevity ‘the D.P. Act’).

3. Prosecution case as emanated from the FIR is that
daughter of the informant was done to death at her matrimonial
house due to non-fulfillment of the demand of dowry.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 13-10-2023. Petitioner is a



man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is the father-in-law of the deceased. It is submitted that there is no specific allegation attributed to the petitioner. Learned counsel for the petitioner next submits that there is delay of two days in lodging of the FIR. It is submitted that FIR has been lodged after postmortem examination of the dead body. It is submitted that during the course of investigation, not a single independent witness has supported the prosecution version. It is lastly submitted that police after investigation has submitted charge sheet under Section 323, 325, 304B & 34 of the IPC and Section 3/4 of the D.P. Act.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that husband of the deceased is not in custody. Referring to paragraph No. 33 of the case diary, it is submitted that witness has supported the prosecution case. Referring to the paragraph No. 56 of the case diary, it is lastly submitted that charge sheet has been submitted in this case.

7. Considering the aforesaid facts and circumstances



of the case, period of custody of the petitioner, clean antecedent of the petitioner and there being no cogent material found against the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, **after framing of charge, if not already framed**, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sursand P.S. Case No. 547 of 2023 , subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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