

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19069 of 2024

Arising Out of PS. Case No.-133 Year-2023 Thana- BABUBARHI District- Madhubani

Kailu Mahto S/O Late Kusheshwar Mahto R/O Village- Lohapipar, P.S-
Babubarhi, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Babubarhi P.S. Case No. 133 of 2023, registered for the alleged offence under Sections 302, 304(B), 201/34 of the Indian Penal Code.

03. As per prosecution case, the allegation against the petitioner and other co-accused persons is that they caused dowry death of daughter of the informant.

04. Learned counsel for the petitioner submits that the petitioner is father-in-law of the deceased and he has been falsely implicated in the present case. The marriage of the deceased was solemnized with the son of the petitioner, namely, Lalan Mahto in the year 2022. She fell ill and she was taken to a



private hospital for treatment where she died and while her dead body was being cremated someone called the police, which took residual part of cremated body in possession and sent it for postmortem. The informant was also present at the time of cremation and there has been demand of money by the informant and when the petitioner refused to make payment, this false case has been lodged. Even the witnesses examined during investigation have stated that the daughter-in-law of the petitioner fell ill and she was taken to hospital for treatment where she died. Learned counsel further submits that the petitioner being father-in-law has been falsely implicated in this case.

05. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail. Learned APP submits that it has come in the statement of witnesses that the death of daughter of the informant might be due to poisoning and postmortem report is still awaited.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the possibility of false implication in the light of statement of the witnesses which refers to death being caused due to natural causes or due to poison, let the petitioner above named, in the



event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Madhubani/concerned court in connection with Babubarhi P.S. Case No. 133 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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