

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25004 of 2024

Arising Out of PS. Case No.-308 Year-2023 Thana- SARAI RANJAN District- Samastipur

1. Ramdeo Mahto Son of Late Ganeshi Mahto Resident of Village- Bariyarpur, P.S.- Warisnagar, District- Samastipur
2. Lalita Devi W/o Ramdeo Mahto Resident of Village- Bariyarpur, P.S.- Warisnagar, District- Samastipur
3. Ajay Kumar Mahto Son of Ramdeo Mahto Resident of Village- Bariyarpur, P.S.- Warisnagar, District- Samastipur
4. Babita Kumari @ Babita Devi D/o Ramdeo Mahto Resident of Village- Bariyarpur, P.S.- Warisnagar, District- Samastipur
5. Anita Devi D/o Ramdeo Mahto Resident of Village- Bariyarpur, P.S.- Warisnagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr. Mukesh Kumar Thakur, learned counsel

for the petitioners as well as Mr. Sanjay Kumar Sharma, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sarairanjan P.S. Case No. 308 of 2023, F.I.R. dated 07.11.2023 for the offences punishable under Sections 498(A), 304(B)/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have killed the daughter of



the informant 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. He further submits that from perusal of the F.I.R/complaint petition it appears that the date of occurrence is 04.05.2016 to 11.01.2023 but the present F.I.R/complaint petition has been instituted on 21.08.2023 i.e. after 7 months without giving any explanation of the said delay. He further submits that the informant/complainant is not the eye witness of the alleged occurrence and it appears from the F.I.R/complaint petition that there is no specific allegation of assault or overt act or demand of dowry. He further submits that the petitioner no. 1 is father-in-law, petitioner no. 2 is mother-in-law, petitioner no. 3 is brother-in-law and petitioner nos. 4 and 5 are married sisters-in-law of the deceased.

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

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is delay of about 7 months in lodging the F.I.R/complaint petition and there is no specific allegation of assault or overt act against these petitioners, 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Samastipur in connection with Sarairanjan P.S. Case No. 308 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 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)

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