

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25900 of 2024

Arising Out of PS. Case No.-99 Year-2023 Thana- JANDAHA District- Vaishali

Chandan Mahto, S/o- Laldev Mahto, Resident of Village- Bedaulia, P.S.-
Jandaha, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Advocate

For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 20-07-2024 Heard Mr. Subhash Kumar, learned Advocate for the
petitioner and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Jandaha P.S. Case No.99 of 2023 registered
for the offences punishable under Sections 302, 201/34 of the
Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that the marriage of the daughter of the informant was
solemnized with the petitioner 10 years ago. There is allegation
of demand of dowry and on account of non-fulfillment of the
same, all the accused persons have killed the informant's
daughter and cremated the dead body to conceal the evidence.

4. Learned Advocate for the petitioner contended that
from the F.I.R., it is evident that the marriage was solemnized



10 years ago and two children were born out from the said wedlock and, as such, at this stage any demand of dowry appears to be not trustworthy. It is also submitted that on the alleged date of incidence, the informant was informed about the death of the deceased and thereafter cremation was conducted. It is also the contention of the petitioner that both the children are living in the house of the petitioner, however, only on account of the fact that the petitioner refused to transfer some land in favour of minor children, the present F.I.R. has been instituted with a view to pressurize. The petitioner himself surrendered on 30.11.2023 and since then he is in judicial custody.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is the husband of the deceased and she was subjected to torture at the hands of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the marriage was solemnized 10 years ago and there had never been any complaint with regard to demand of dowry prior to the institution of the F.I.R., coupled with the fact that the statement of the children were not recorded and moreover they are residing in the house of the petitioner, let the petitioner, named



above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Jandaha P.S. Case No.99 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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