

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35528 of 2024

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

Lalan Kumar Mahto @ Lalan Mahto S/O Kailu Mahto R/O Village-
Lohapipar, P.S- Babubarhi, Distt.- Madhubani.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

Mr. Jayant Anand, Adv.

For the Opposite Party/s : Mr.Arun Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 20-09-2024 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 on 24.05.2023 for the alleged offences under Section 302, 304(B), 201 and 34 of the Indian Penal Code.

03. As per prosecution case, daughter of the informant was married with the petitioner and she consumed poison in her matrimonial home and she was taken to hospital where she died. Allegation against the petitioner and other co-accused persons is that they had been demanding Rs. 1 lakh and when the demand was not met they used to abuse, assault and torture the deceased.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.



Petitioner has become victim of circumstances. The marriage was an ideal marriage and was solemnized without any gift. There was no rift between the petitioner and the deceased. However, the condition of the deceased deteriorated on 24.05.2023 and she became serious. The petitioner with the help of co-villagers took her to the hospital for better treatment where she died due to brain hemorrhage. The petitioner himself informed the informant about the condition of his wife and the informant and others also reached the hospital and were present at the time of death of the wife of the petitioner. After the dead body was handed over, she was taken to burial ground and informant and other family members were also present where cremation took place. While this was being done, some co-villagers of the informant started putting pressure on the petitioner to give Rs. 5 lakh to the informant threatening him with false implication and when the petitioner did not accede to their demand one of the co-villagers of the informant informed the police station and the present frivolous case has been lodged as the police came and took the remains of the dead body in its possession which was being cremated. Learned counsel further submits that petitioner has not committed any offence as alleged in the present case and the petitioner never made any dowry demand or treated the daughter of the informant with cruelty. Even the witnesses examined during investigation has stated about the



illness of the daughter of the informant and she being taken to the hospital where she died during treatment. Learned counsel further submits that there is no criminal antecedent of this petitioner.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that there is specific allegation against the petitioner for demanding dowry and torturing the daughter of the informant and it has also come in the FIR that the daughter of the informant consumed poison.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the possibility of false accusation, 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) each with two sureties of the like amount each to the satisfaction of Court of learned A.C.J.M.-VI, Madhubani 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)

anuradha/-

U		T	
---	--	---	--

