

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45810 of 2024

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

Sunil Kumar Mahto Son of Ramdeo Mahto Resident of Village - Bariyarpur,
P.S.- Warisnagar, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar Thakur, Advocate
For the Opposite Party : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-09-2024 Heard Mr. Mukesh Kumar Thakur, the learned
counsel for the petitioner and Mr. Kanhiya Kishor, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Sarairanjan PS Case No. 308 of 2023, FIR
dated 07.11.2023, registered for the offences punishable under
Sections 498(A) and 304(B) read with Section 34 of the Indian
Penal Code.

3. According to the prosecution case, the daughter of
informant was subjected to torture and abuse by her in-laws
over non-fulfillment of dowry demand and later on informant
received information that his daughter has died and he suspects
that his daughter's in-laws have murdered her due to non-
fulfillment of dowry demand.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR / complaint petition. He further submits that as per allegation in the FIR / complaint petition, the date of occurrence is on 11.01.2023, but the present FIR / complaint petition has been instituted on 21.08.2023, after a delay of about seven months without giving any explanation for the said delay. He further submits that in fact, the deceased was suffering from brain tumour and her treatment was going on in Ludhiana at B.R.C. Hospital, Ludhiana and she died in hospital on 09.01.2023 and the said hospital has issued a certificate that due to cardiac arrest, the deceased had died. He lastly submits that other co-accused persons, who are family members of the petitioner, has been granted the privilege of anticipatory bail by this Court vide order dated 01.05.2024 passed in Cr. Misc. No. 25004 of 2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances,



let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned JMFC-cum-Additional Munsif, Samastipur, where the case is pending in connection with **Sarairanjan PS Case No. 308 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner 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 learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed



his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. 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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