

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48659 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- GARKHA District- Saran

1. Dinesh Kumar @ Jokwa @ Dinesh Mahto S/O Jaleshwar Mahto R/O Village- Jigna, P.S- Garkha, Dist.- Saran At Chapra (BIHAR).
2. Shatrughan Mahto S/O Jaleshwar Mahto R/O Village- Jigna, P.S- Garkha, Dist.- Saran At Chapra (BIHAR).
3. Sushila Devi W/O Jaleshwar Mahto R/O Village- Jigna, P.S- Garkha, Dist.- Saran At Chapra (BIHAR).
4. Jaleshwar Mahto S/O Vidya Mahto R/O Village- Jigna, P.S- Garkha, Dist.- Saran At Chapra (BIHAR).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr.Syed Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 20-11-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Garkha P.S. Case No.33 of 2024 registered for the alleged offences under Section 304B of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

03. As per prosecution case, the daughter of the informant was married with co-accused Lalji Mahto @ Lalak Mahto. The allegation against the petitioners and other co-accused is that of demanding dowry and on non-fulfillment of the said demand, killing the daughter of the informant.



04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioner nos. 1 & 2 are brothers-in-law, petitioner no. 3 is mother-in-law and petitioner no. 4 is the father-in-law of the deceased. The daughter of the informant committed suicide and it has been given colour of dowry death. The deceased was never subjected to any torture and no demand was made. From the post mortem report it appears that there was no external injuries on the body and an oblique ligature mark was present on the neck showing possibility of suicide. The post mortem report also mentions the cause of death due to asphyxia as a result of hanging. The informant coming to know about the real fact of death of her daughter filed a compromise petition before the learned Court below. The petitioners are having no criminal antecedent and all the petitioners reside separately from the husband of the deceased who is already in custody.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague and general nature of allegations with possibility of false accusation, let the petitioners above named, in the event of their 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 learned Court of A.C.J.M.-IV, Saran at Chapra in connection with Garkha P.S. Case No.33 of 2024, 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 petitioners.
- (ii) The petitioners 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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