

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58626 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- CHANDI District- Bhojpur

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RANJIT MAHTO S/O LATE BHAWNATH MAHTO R/O VILLAGE-
BHADWAR, PS. CHANDI, DIST. BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Adv.

For the Opposite Party/s : Mr.Dashrath Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 10-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Chandi P.S. Case No. 107 of 2023 dated 03.04.2023 registered for the offences punishable u/s 304B read with Section 34 of the Indian Penal Code.

4. As per the prosecution case, the first marriage of the informant's niece was solemnized with Appu Kumar in the year 2017 but the same marriage was dissolved accordingly with the divorce decree of the Court. The second marriage of the informant's niece was solemnized with the petitioner, Ranjit Mahto. After the marriage, the petitioner and the co-accused



persons are alleged to have killed the informant's niece by administering poison to her due to non-fulfillment of demand of motorcycle as dowry.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner is the husband of the deceased and he has no concern with the alleged offence. The petitioner neither demanded any dowry nor tortured the informant's niece. The co-accused person has already been granted regular bail by this court vide order dated 21.07.2023 passed in Cr. Misc. No. 42788 of 2023. The petitioner has relied upon the judgment of this Court in the case of **"Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182."**

Learned counsel has further submitted that Section 498A of the IPC is triable by the Magistrate. Learned counsel has further relied on the judgments in the case of **Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351** and **Md. Asfak Alam Vs. The State of Jharkhand & Anr passed in Criminal Appeal No(s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023**. The petitioner has no criminal antecedent as stated in para 3 of the



bail petition. The petitioner is in custody since 04.04.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bhojpur at Ara in connection with Chandi P.S. Case No. 107 of 2023, with the condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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