

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62834 of 2024

Arising Out of PS. Case No.-153 Year-2021 Thana- DARPA District- East Champaran

1. Amichand Mahto @ Amichan Mahto, Son of Yadhu Nandan Mahto, village- Pipra Purwari Tola, PS- Darpa, Dist- East champaran
2. Paramshila Devi @ Prabha Devi, wife of Amichand Mahto, village- Pipra Purwari Tola, PS- Darpa, Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Rashmi Jha, Advocate
		Mr. Vikash Kumar Pankaj, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-11-2024 Heard Ms. Rashmi Jha, learned Advocate for the petitioners and learned APP for the State.

2. The petitioners seek regular bail, who are in custody in connection with Darpa P.S. Case No. 153 of 2021 registered for the offences punishable under Sections 304-B, 323, 504, 506/34 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that the marriage of the sister of the informant was solemnized 6½ years ago. However, she was being subjected to demand of dowry and on account of non-fulfillment of the same, she was done to death. It is also alleged that earlier the deceased sister of the informant had instituted Darpa P.S. Case



No. 48 of 2014, however, a panchayati took place and the informant's sister was brought to the matrimonial home. Later on, she was again subjected to torture and finally done to death. On the information of causing death, the informant rushed to the place of occurrence and found the dead body of his sister with various marks of injury.

4. Drawing the attention of this Court to the narrations made in the F.I.R., learned Advocate for the petitioners primarily contended that only in order to fulfill the ingredients of dowry death, the date of marriage is said to be shown as 6½ years ago, but this is the fact that the marriage took place somewhere in the year 2011. Moreover, there is omnibus nature of allegation against all the family members, including the petitioners, who are non-else, but the father in law and mother in law respectively of the deceased. It is next contended that in fact after institution of the F.I.R., bearing Darpa P.S. Case No. 48 of 2014, the petitioners started residing separately from the deceased and her husband. The allegation of causing injury to the deceased does not find support from the post-mortem report, as there was no mark of injury and on being found suspicious death, the viscera has been sent to the Forensic Science Laboratory. Be that as it may, the petitioners have been



incarcerated since 05.06.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is specific allegation against the petitioners of causing death of their daughter-in-law along with other accused persons.

6. Regard being had to the submission made on behalf of the parties and considering the fact that the petitioners are father-in-law and mother-in-law of the deceased, who were residing separately, coupled with the post-mortem report, which does not support the allegation of assault, moreover, the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Raxaul, East Champaran, Motihari in connection with Darpa P.S. Case No. 153 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date



of trial till disposal of the case.

(iii) They 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, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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