

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1258 of 2024

Arising Out of PS. Case No.-257 Year-2023 Thana- JAMUI District- Jamui

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Bibhishan Mahto, (Male) aged about 42 Years, S/O Late Lacho Mahto,
Resident Of Village- Kakan, Police Station- Jamui, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 12-07-2024 Heard Mr. Amrendra Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Ganesh Prasad

Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Jamui P.S. Case No. 257 of 2023, registered for the offence
punishable under Sections 304(B), 120(B) and 201 of the Indian
Penal Code.

3. As per the allegation made in the FIR, all the
accused persons including the petitioner, had killed the daughter
of the informant, namely, Aarti Kumari, by administering *Sulphas*
for non-fulfillment of demand of dowry.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Wife of the petitioner,
namely, Sima Devi, who is also a co-accused, has already been



released on bail vide order dated 20.02.2024 passed in Criminal Miscellaneous No. 9273 of 2024 and co-accused Rajesh Kumar, who is the husband of the deceased, has already been released on bail by a co-ordinate Bench of this Court vide order dated 29.11.2023 passed in Criminal Miscellaneous No. 50241 of 2023. He further submitted that only allegation against the petitioner is that he had instigated the husband of the deceased to demand dowry. Petitioner is co-villager and not family member of the deceased and he don't have any connection with the family affairs of the deceased or her husband. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that wife of the petitioner, namely, Sima Devi, who is also a co-accused, has already been released on bail vide order dated 20.02.2024 passed in Criminal Miscellaneous No. 9273 of 2024 and co-accused Rajesh Kumar, who is the husband of the deceased, has already been released on bail by a co-ordinate Bench of this Court vide order dated 29.11.2023 passed in Criminal Miscellaneous No. 50241 of 2023. He further submitted that only allegation against the petitioner is



that he had instigated the husband of the deceased to demand dowry. Petitioner is co-villager and not family member of the deceased and he don't have any connection with the family affairs of the deceased or her husband. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui, in connection with Jamui P.S. Case No. 257 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. **The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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