

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45265 of 2025

Arising Out of PS. Case No.-89 Year-2022 Thana- BHAGWANPUR District- Vaishali

1. Bhola Kumar Mahato @ Bhola Mahato S/o Shivaji Mahto R/o Village-Prataap Taand West, Nonfar, P.S.- Bhagwanpur, District- Vaishali
2. Geeta Devi W/o Shivaji Mahto R/o Village- Prataap Taand West, Nonfar, P.S.- Bhagwanpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 11-07-2025 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with Bhagwanpur P.S. Case No. 89 of 2022, registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code.

3. As per the prosecution case, the informant's sister was married to one Anil Kumar. Thereafter, the accused persons are alleged to have been demanding dowry and due to non-fulfillment of the same, it is alleged that the accused persons murdered the sister of the informant.

4. Learned counsel for the petitioners submits that petitioners are falsely been implicated in this case. He further submits that petitioner no.1 is the brother-in-law of the deceased



(Bhaisur) while petitioner no.2 happens to be the mother-in-law of the deceased. It has next been submitted that from perusal of the FIR, it would appear that the allegations are general and omnibus in nature and no specific allegation of overt act has been leveled against the petitioners. It has next been submitted that the father-in-law of the deceased and one cousin of the husband of the deceased has already been granted bail, the order of which are on record by way of Annexure-P2 and P3. It has also been submitted that even from the perusal of the postmortem report, the cause of death was found to be asphyxia as a result of hanging. Learned counsel for the petitioner has further submitted that the husband of the deceased, namely, Anil Kumar is in custody. It has lastly been submitted that the petitioners have clean antecedent and are in custody since 02.09.2024.

5. The learned A.P.P. for the State has opposed the prayer for bail and has stated that the petitioners are own brother and mother of the husband of the deceased and as such should not be released on bail.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the court of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with



Bhagwanpur P.S. Case No. 89 of 2022, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of their bail bonds.

(v) The learned 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 step for cancellation of bail bond of the petitioners. 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.

(Sourendra Pandey, J)

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