

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.762 of 2025

Arising Out of PS. Case No.-85 Year-2024 Thana- JHANJHARPUR District- Madhubani

1. Dashrath Mahto S/o Jhapsu Mahto R/o vill - Amam, P.S. - Sakatpur, distt.- Darbhanga
2. Bina Devi W/o Dashrath Mahto R/o vill - Amam, P.S. - Sakatpur, distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Md. Mokhtar Ansari, Advocate
For the Opposite Party/s :	Mr. Binod Kumar, APP
For the Informant :	Mr. Gagan Deo Yadav, Advocate
	Mr. Ravi Prakash, Advocate
	Mr. Udeshya Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

7 01-07-2025 Heard the learned counsel appearing on behalf of the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners seek bail in a case registered for the offences punishable under Sections 304(B), 302, 120(B)/34 of the I.P.C.

3. As per the prosecution case, the informant Santosh Mahto had solemnized the marriage of his sister Kiran Devi with the co-accused Pawan Mahto. It is further alleged that after one month of marriage Pawan Mahto started demanding money and on non-fulfillment used to torture. It is further alleged that on 10.05.2024 while the informant came back at 12:30 in the



night after attending dinner, he saw his brother-in-law, Pawan Mahto and 2 to 3 other unknown persons who were beating his mother with bricks and stones and when he tried to catch them they managed to flee. It is next alleged that the informant then saw the dead body of his sister Hiran Devi lying inside the house and he was informed that it was Pawan Mahto along with 2 3 unknown persons who have killed his mother as well as sister.

4. The learned counsel for the petitioners submit that the petitioner no. 1 is the father-in-law and petitioner no. 2 is the mother-in-law of the deceased Hiran Devi. It has been submitted by the learned counsel that admittedly, in the FIR the petitioners were not named and subsequently after seven days their name has surfaced in this case. It has also been submitted that the petitioners used to live separately and admittedly they were apprehended in the district of Darbhanga while the incident had occurred in Jhanjharpur. The learned counsel next draws the attention of this Court towards the fact that the informant had all possible chances that he could have named the petitioners in the FIR, however, it was only as an afterthought the names of the petitioners have been induced in the present case. The petitioners have one criminal case against them which was filed



by the sister of the informant and they are in custody since 17.05.2024 in the present case.

5. The learned counsel for the informant as well as the learned A.P.P. have vehemently opposed the prayer for bail and have stated that the petitioners being the parents of Pawan Mahto were involved in killing of the sister of the informant and from the perusal of the post-mortem report also, it is evident that she was killed.

6. Considering the aforesaid submissions and taking into account that the petitioners were not named and there is no material to connect the petitioners in the present case and also taking into account the period of custody 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 learned court below where the case is pending/successor court in connection Jhanjharpur P.S. Case No.85 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be his close relative and the other shall be local resident.

(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) 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 his 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)

Raj Ranjan/-

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