

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26664 of 2015

Arising Out of PS.Case No. -283 Year- 2014 Thana -VAISHALI District- VAISHALI(HAJIPUR)

1. Mithun Mahto son of Keera Mahto Resident of village Manipur, P.S. Vaishali, District Vaishali.... Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. G.S.Gupta(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-10-2015

Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Vaishali P.S. Case No. 283 of 2014 registered for the offences punishable under Sections 304B/34 of the Indian Penal Code.

Renu Devi the daughter of the informant was married with the petitioner on 07.05.2012 and after some time the petitioner and others started demanding motorcycle by way of dowry and due to non-fulfillment they used to assault her which she informed to the informant and when the informant tried to take her back in Vidai but it was refused by saying that unless demand is fulfilled her daughter would be killed and ultimately, she was poisoned to death.

Submission is of false implication and that the informant is not the eye witness to the occurrence. The deceased

was shot temper lady and she committed suicide herself, the doctor has not found any external or internal injury on the person of the deceased, there is no specific allegation against the petitioner, the informant has filed application in the court of Chief Judicial Magistrate, Vaishali after knowing the real facts wherein it is stated that his daughter died due to pain in chest and the petitioner is suffering in custody since 23.04.2015 and, as such, he deserves sympathetic consideration to which the learned APP opposes by submitting that there is allegation for demanding motorcycle by way of dowry and the wife of the petitioner died unnatural death within seven years of her marriage and, as such, the petitioner does not deserve bail.

In the facts and circumstances stated above, considering the position of the petitioner that he is the husband of the deceased and she died in the house of the petitioner within seven years of marriage and there is allegation for demanding dowry, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, the trial court is directed to expedite the trial and conclude the same as early as possible, preferably, within four months.

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(Jitendra Mohan Sharma, J)