

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45673 of 2014

Arising Out of PS.Case No. -68 Year- 2014 Thana -GORIAKOTHI District- SIWAN

- =====
1. Tarkeshwar Mahto Son of Late Ram Jas Mahto @ Raja Mahto
 2. Akhilesh Mahto Son of Late Ram Jas Mahto @ Raja Mahto Both
resident of village- Manjharia, P.S.- Gorea Kothi, District- Siwan
.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ashok Kumar
For the Opposite Party : Mr. Atul Chandra (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 21-04-2015

Heard learned counsels for the petitioners
and the State.

Petitioners being husband and brother of the
husband of the victim are apprehending their arrest in a case
registered for the offences punishable under Sections 304B,
201/34 of the Indian Penal Code.

The accusation is killing the daughter of the
informant after about seven years of marriage for non-
fulfilment of dowry demand.

It is submitted by learned counsel for the
petitioners that accusation of demand of dowry after about
seven years of marriage appears to be unreasonable and the
victim committed suicide as she was not allowed to go to the
place of employment of the husband at Faridabad.

It is submitted by learned counsel for the
informant that the victim was killed and thereafter the dead
body was disposed of.

It is submitted by learned counsel for the State that during investigation, it has surfaced that victim had some fight with her husband prior to the death.

Considering the fact that thrust of accusation is against the husband of the victim being petitioner No. 1, this Court is not inclined to grant bail to the petitioner No. 1 namely Tarkeshwar Mahto. Let learned Court below consider the prayer for regular bail of the petitioner No. 1 without being prejudiced by the order of this Court, if the petitioner No. 1 surrenders within a period of six weeks and pray for regular bail.

So far as petitioner No. 2 namely Akhilesh Mahto is concerned, since the accusation is not specific against him and the victim died, as according to the informant as stated in the First Information Report about after seven years of marriage, let the petitioner No. 2, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Gorea Kothi P.S. Case No. 68 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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