

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34308 of 2015

Arising Out of PS.Case No. -88 Year- 2014 Thana -DANDARI District- BEGUSARAI

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1. DHARMENDRA MAHTON Son of Natho Mahto resident of Village Rajopur, Police Station Dandari, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Dayal

For the Opposite Party/s : Mr. Gopesh Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 07-12-2015 Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner seeks bail in a case for the offences punishable under sections 304 (B) and 201/34 of the I.P.C

Rashmi Kumari, the daughter of the informant, was married with the petitioner on 25.05.2014 and due to non fulfillment of demand of cash of Rs. 2,00,000/- freeze and washing machine she was being tortured and assaulted by the petitioner and other in-laws and ultimately she was done to death and her dead body was also made traceless.

Submission is of false implication and that as a matter of fact the deceased was earlier married to a boy of Haryana and from there she fled away with jewelry, her parents married her



with the petitioner after hiding her first marriage and when the petitioner came to know he enquired the matter and thereafter Rashmi Kumari went to her maikie with the informant and when the petitioner went to his Sasural then the informant and his family members misbehaved with him and snatched money, wrist watch and other articles resulting Rashmi Kumari quarreled with the parents and went away from the house. Ram Chandra Mahto, Indradeo Mahto and Ram Chandra Sada being the independent witnesses have filed petition to this effect before the police also as well as in the court below, copy of which is mentioned in the supplementary affidavit and as such the petitioner who is suffering in custody since 22.01.2015 deserves sympathetic consideration as charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner is the husband and there is allegation for demand of dowry.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and in near future trial is not likely to be concluded and there is no chance of tampering with the prosecution evidence and as such the above named petitioner is directed to be released on bail on

furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Prakash, J.M. 1st Class, Begusarai in Dandari P.S. Case No. 88 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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