

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8527 of 2016

Arising Out of PS.Case No. -102 Year- 2015 Thana -AWTARNAGAR District- SARAN

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Muneshwar Mahato S/o Shri Ramashish Mahato R/o Village- Madanpur
Bin Toli, P.S. Avtarnagar, District Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Adv.

For the Opposite Party/s : Mr. A.Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

3 08-04-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Petitioner who was married since before by deceptive means got himself married with the deceased which she came to know later on. Subsequent to marriage there was demand of dowry and for that deceased was tortured as a result of which she fled away from her sasural with her daughter aged about one year to Naihar.

Subsequently thereof, petitioner gone to his sasural, tendered apology and further assured that henceforth deceased will not be mal-treated.

On 04.09.2015, petitioner informed the informant Indu Devi, his mother-in-law that deceased was quarrelling so please come. Thereafter, informant had gone to sasural of deceased where none was present. After sometime deceased was brought

over Bolero Jeep by the petitioner who, seeing the informant fled away. At that very time froth was coming out from the mouth of the deceased.

Contention on behalf of the petitioner is that whatever allegation has been attributed is palpably false. It has also been submitted that viscera report is wanting till today. Furthermore, it has been submitted that in para 10 of the bail petition he has mentioned the fact that both of them were married since before and even thereafter, they consummated second marriage out of their free will without having divorce. Consequent thereupon, no offence under Section 304B of the Indian Penal Code is made out.

At the other end learned Additional Public Prosecutor opposes the prayer for bail.

Death of the deceased is admitted that too within seven years. From the case diary it appears that there happens to be complete absence of the material on the score of deceased married since before. Viscera report is still wanting which did not exonerate the petitioner for the present which he shares being husband of the deceased.

Prayer for bail is rejected.

(Aditya Kumar Trivedi, J.)

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