

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8811 of 2016

Arising Out of PS.Case No. -126 Year- 2013 Thana -DUMRIAGHAT District-
EASTCHAMPARAN(MOTIHARI)

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Munnilal Mahto @ Munnilal Mahato, Son of Gobari Mahto, Resident of
Village- Pakari Dumariya, P.S.- Dumariyaghat, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pankaj Kumar

For the Opposite Party : Mr. Dinesh Singh(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Dumariyaghat P.S. Case No. 126 of 2013 for the offence
punishable under Section 304B/34 of the Indian Penal Code.

The Prosecution case is that on 30.10.2013, the
informant Ashok Kumar has lodged the F.I.R. against the accused
persons. In the F.I.R. basically it is mentioned that the informant's
sister Usha Devi got married with this petitioner-accused on
21.05.2013. Thereafter, informant's sister started living at her in-
laws home. Some times the informant visited in-laws home of his
sister, where he came to know that husband of the sister
(petitioner-accused) has already gone to Gujarat to earn his



livelihood. The in-law members of informant's sister demanded Rs. 6,000/- as dowry. Due to non-fulfillment of said demand, accused persons caused cruelty and harassment to the informant's sister. On 30.10.2013 in the morning at about 6:00 to 7:00 A.M., the informant received information that in-laws have committed murder of the informant's sister by strangulating with rope. On this information, the informant and his family members had gone to in-laws home of his sister, where the informant saw that dead-body of informant's sister Usha Devi is lying in the court-yard and family members had fled away somewhere-else. The informant informed the local police.

It has been submitted by the learned counsel for the petitioner that he is innocent and has not committed any offence. He further submits that as per the First Information Report the informant has not named this petitioner as the petitioner had gone out of village to earn his living in Gujarat. He further submits that the other co-accused persons named in the First Information Report has since been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court in Criminal Miscellaneous Case No. 50480 of 2014 on 26.05.2015 (*Kailash Mahto & Ors Vs. the State of Bihar*). He further submits that being the husband of the petitioner has been falsely implicated and no witness has named

the petitioner.

However, the learned APP for the State submits that petitioner although not named in the First Information Report and not supported by prosecution, as he is husband of the deceased, hence opposes the prayer for bail.

Be that as it may, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Dumariyaghat P.S. Case No. 126 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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