

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43543 of 2016

Arising Out of PS.Case No. -162 Year- 2015 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

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ASHOK MAHTO SON OF MUNDRIKA MAHTO @ MUNIRKA
MAHTO RESIDENT OF VILLAGE - MACHHARGANWA, P.S. -
KOTWA, DISTRICT - EAST CHAMPARAN AT MOTIHARI.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance :

For the Petitioner/s : Mr. Gopal Sharan Singh, Adv.

For the Opposite Party/s : Mr. Smt. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 13-12-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Just after three months of the marriage, deceased met with unnatural death by way of throttling and after keeping her dead body in a bag, the same was thrown in a canal regarding which informant had came to know after three days. There happens to be disclosure in the written report that during intervening period there was demand of dowry at the end of the petitioner along with his family members and for that she was regularly tortured and lastly on 06.07.2015 deceased was kicked out. It has also been incorporated that informant had persuaded them and on account thereof, lastly the deceased was taken away on 31.07.2015 and murder was committed on 04.08.2015.

It has been contended on behalf of petitioner that in the second leg of allegation his name does not appear and on that very basis, it has been submitted that petitioner should be released on bail. It has also been submitted that other co-accused either been released on anticipatory bail or on regular bail. It has also been submitted that



petitioner happens to be under custody since 05.08.2016.

The learned Additional Public Prosecutor opposed the prayer.

Deceased was done to death at her Sasural and so certainly informant could not be identified as an eyewitness. Death by throttling and keeping the dead body in a bag and after tying its mouth having it been thrown in a canal speaks a lot about activity of the accused. Moreover, the informant in his further statement along with statement of other witnesses presence of petitioner has been shown. Being the husband, the plea of the petitioner could not be entertained on such flimsy ground.

Prayer for bail is rejected.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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