

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44547 of 2015

Arising Out of PS.Case No. -32 Year- 2015 Thana -BYPASS District- PATNA

Subhash Mahto @ Subhash Mehta, Son of late Badri Mahto, Resident of Mohalla - Bahri Begam Dada Bari, P.S.- By pass, District - Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.57981 of 2015

Arising Out of PS.Case No. -32 Year- 2015 Thana -BYPASS District- PATNA

Sushila Devi, Wife of Subhash Mahto, Resident of Mohalla - Bahri Begam Dadabari, P.S.- By-pass, District - Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In both the cases)

For the Petitioners	:	Mr. Pramod Kumar Verma, Mr. Alok Kumar Alok, Mr. Devendra Kumar, Advocates
For the State	:	Md. Fahimuddin, A.P.P. Dr. Kr. Uday Pratap, A.P.P.

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

5 29-02-2016 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case filed under Sections 304 (B/34 of the Indian Penal Code.

Petitioner, Subhash Mahto @ Subhash Mehta, is



the father-in-law whereas, Sushila Devi is the mother-in-law of the deceased. As per the allegation, the deceased was married to the accused Dikki Kumar, however, thereafter, the accused persons started demanding dowry. About 15 days back from the date of occurrence, the deceased was beaten and thrown away from the matrimonial house, however, mother-in-law took her back in the evening and next day she again came to the house of the informant and informed that her daughter is not well then she came to the house of in-laws of her daughter where she could know that her daughter is no more.

It is contended on behalf of the petitioners that in fact the deceased has committed suicide and strangulation has been shown the cause of death in the post-mortem report. It has also come during the investigation that actually it was love marriage between the deceased and Dikki Kumar and, thereafter, the relationship between them deteriorated and then Dikki Kumar started assaulting his wife and the family members also started demanding dowry. It is also contended that the husband has already surrendered.

In the facts and circumstance of the case and in view of the nature of allegation, this Court is not inclined to grant the privilege of anticipatory bail to the Subhash Mahto @

Subhash Mehta (petitioner of Cr. Misc. No.44547 /2015) and, as such, his prayer for bail is rejected.

However, in view of the fact that the petitioner of Cr. Misc. No.57981 of 2015 is a lady, in the event of arrest/surrender within a period of six weeks from today in Bypass P.S. case no.32/2015, the above named petitioner, Sushila Devi (petitioner of Cr. Misc. No.57981/2015) shall be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Sri R. S. Pandey, Judicial Magistrate, 1st Class, Patna City subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

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