

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51924 of 2016

Arising Out of PS.Case No. -84 Year- 2015 Thana -LALIT NARAYAN UNIVERSITY District-DARBHANGA

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1. Vijay Mahto Son of Sri Bindeshwar Mahto, Resident of Mohalla - Ali Nagar, P.S. Lalit Narayan Mithila University Campus, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Rajeev, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-12-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Petitioner is languishing in judicial custody since 12.02.2016 in connection with L.M.N.U. Campus P.S. Case No. 84 of 2015 registered for the offence punishable under Sections 304 (B) and 34 of the Indian Penal Code.

The prosecution case as lodged by the informant, cousin brother of the deceased Reeta Devi, is that she was married to Vijay Mahto (petitioner) and allegedly due to non fulfillment of demand of dowry by way of motorcycle and cash of Rs. 50,000/- she was being tortured and ultimately she was burnt to death and her dead body was also cremated by the petitioner and other in-



laws.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. The incident occurred after seven year of marriage, hence Section 304 (B) of the Indian Penal Code will not be applicable against the petitioner. It has further been submitted that the death was an accidental one and after knowing the real fact the informant has filed compromise petition in the Court below and that the petitioner along with his family members brought the injured to D.M.C.H. to save her life and thereafter, she was brought to P.M.C.H. for better treatment but during course of treatment she died.

It has further been submitted that the deceased had caught fire and the allegation of sprinkling Kerosene oil on the deceased has been falsified as the smell was not found of any part of the body by the doctor, who conducted post mortem. He further submits that charge sheet has already been submitted against the petitioner, who is husband of the deceased victim lady, Reeta Devi, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence,



opposes the prayer for bail.

Considering the facts and circumstances and the submission of the parties and that charge sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Darbhanga in connection with L.N.M.U. Campus P.S.Case No. 84 of 2015 with a condition that one of the bailors would be a close relative of the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station and the petitioner is directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bond.

(Nilu Agrawal, J)

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