

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5555 of 2016

Arising Out of PS.Case No. -320 Year- 2014 Thana -KADAMKUAN District- PATNA

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1. Sanjay Kumar Mahto @ Chhotu son of Sri Dwarika Prasad Mahto
resident of Mussalehpur, P.S. - Kadamkuan, District - Patna... Petitioner

Versus

1. The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rikesh Sinha

For the Opposite Party/s : Mr. Manoj Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 31-03-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with
Kadamkuan P.S. Case No. 320 of 2014 registered for the offences
punishable under Sections 304B/34 of the Indian Penal Code and
Sections 3 / 4 of Dowry Prohibition Act.

Roji Kumari, the daughter of the informant, was married
to the petitioner and allegedly, due to non-fulfillment of demand
of dowry by way of vehicle she was strangulated to death by the
petitioner and other in-laws.

Submission is of false implication and that the petitioner
never demanded anything, there was cordial relation between the
petitioner and his wife, the wife of the petitioner was ailing prior
to her marriage, she was being treated by Dr. Vinay Prasad a
reputed doctor of Patna vide annexure-2, in the morning of



10.07.2014 while the wife of the petitioner was going to the roof with wet clothes, all of a sudden her condition was deteriorated and she fell down from the stairs and then she was brought to PMCH in emergency ward by the petitioner where she was admitted and due information was given to the informant but during treatment the wife of the petitioner died resulting, the informant lodged this false case, the petitioner without any fault is suffering in custody since 22.1.2015 after his surrender whereas other co-accused have been allowed bail. During investigation in paragraph 11 of the case diary independent witness has stated regarding this fact.

Learned APP opposes the prayer of bail by submitting that the petitioner is the husband.

In the facts and circumstances stated above, considering that the petitioner brought his wife in PMCH for treatment where she died and further considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Kadamkuan P.S. Case No. 320 of 2014, subject to

the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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