

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16699 of 2016

Arising Out of PS.Case No. -21 Year- 2016 Thana -CHIKSAUR District- NALANDA
(BIHARSHARIFF)

Janak Mahto, son of late Rohi Mahto

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner being father of the husband of the victim is apprehending arrest in a case registered for the offences punishable under Sections 304B and 34 of the Indian Penal Code.

Accusation is of killing the sister of the informant after seven years of marriage for non-fulfillment of dowry demand. The post-mortem reflects cause of death due to asphyxia due to strangulation.

It is submitted by learned counsel for the petitioner that accusation is omnibus and general against the entire family of the petitioner. The petitioner is about 70 years of age and in fact the marriage was performed 10 years prior to the death of the victim in order to bring the case within the preview of section 304B of the Indian Penal Code. The date of marriage has wrongly been

mentioned in the First Information Report. Even assuming the accusation in the FIR, the thrust of accusation is against the husband of the victim, who is in custody.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Hilsa, Nalanda, in connection with Chiksaura P.S. Case No.21/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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