

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23939 of 2016

Arising Out of PS.Case No. -39 Year- 2015 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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1. Dhamu Mahto Son of Ramayan Mahto resident of village - Sugaw Dih,
P.S. Sugauli, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Dr. M.K. Gautam (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 14-07-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner happens to be husband of the deceased and
is languishing in jail custody since 04.12.2015 in a case registered
for the offences punishable under Sections 304B, 201/34 of the
Indian Penal Code.

According to prosecution case, the marriage of
deceased had taken place in the year 2010 and she was killed on
09.02.2015 and her dead body was disposed of without giving any
information to the informant.

In course of investigation, the investigating officer
recorded the statement of family members and villagers of the

informant who supported the above story but the concerned investigating officer failed to record the statement of co-villagers of petitioner nor he made any attempt to record the statement of co-villagers of the petitioner.

Submission on behalf of the petitioner is that deceased was suffering from acute diarrhoea and as a matter of fact, she died of above stated ailment and subsequently, information regarding the death of the deceased was given to informant and thereafter her dead body was cremated. It is further submitted that informant lodged this case at the behest of enemies of the petitioner but subsequently, when she learnt the real facts, she entered into compromise with the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran at Motihari in connection with Sugauli P.S. Case No. 39 of 2015.

(Hemant Kumar Srivastava, J)

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