

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3668 of 2016

Arising Out of PS.Case No. -74 Year- 2015 Thana -SARAIYA District- MUZAFFARPUR

Dilip Mahato Son of Late Mahender Mahato, resident of Village- Tilak
Pakari, P.S.- Saraiya, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ganesh Prasad Singh, Advocate.

For the Opposite Party : Mr. Sanjay Kr. Tiwary (APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 11-04-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in
connection with Saraiya P.S. Case No. 74/2015 registered for the
offences punishable under Sections 302 and 201/34 of the Indian
Penal Code.

The case diary in the present case was called for
which has been received.

The learned counsel for the petitioner submits that
though this petitioner has assaulted the deceased resulting in her
death, actually it is come on record that the deceased had
consumed poison after a fight with her husband who had hurriedly
cremated her. It is submitted that the F.I.R has been lodged after a

lapse of 8 days and the entire story as made out by the informant in the F.I.R is but a hearsay. Admittedly, there are no eyewitnesses to the occurrence.

Considering the aforementioned facts and circumstances of the case and that it has come in report that the deceased died due to consumption of poison herself in a fit of anger and that this petitioner has no connection with the said act of consumption of poison, let the petitioner above named, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub-divisional Judicial Magistrate, West Muzaffarpur in connection with Saraiya P.S. Case No. 74/2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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