

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13559 of 2016

Arising Out of PS.Case No. -131 Year- 2015 Thana -THAWE District- GOPALGANJ

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Shambhu Mahto, Son of Sri Bhagwat Mahto, Resident of Village Supauli,
Police Station Sidhwalia in the District of Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Advocate.

For the Opposite Party/s : Mr. Amit Kr. Rakesh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 05-07-2016

Heard both sides.

The petitioner apprehends his arrest in Thawe PS
Case No. 131/2015 registered under Sections 304B/120B of the
Indian Penal Code.

The informant, father of the deceased, filed a
complaint petition on 19.08.2015 alleging therein that his daughter
Putul Devi was married to Shambhu Mahto (the petitioner) on
15.06.2013 but on 13.08.2015 she was killed by her husband and
other in-laws due to non-fulfillment of demand of dowry.

Sri Akhileshwar Prasad Singh, learned senior counsel
appearing for the petitioner, submits that Putul Devi accidentally
consumed pesticide. On 13.08.2015 the informant was informed
and on the Fardbeyan of the informant, Sidhwalia PS (UD) Case
No. 05/15 was registered on 15.08.2015. The complaint petition

was filed only on 19.08.2015, on the basis of which, the present FIR was lodged. The present FIR is an afterthought, merely to take undue advantage from the petitioner and his other family members.

It appears that on the date of death itself, the informant was informed about the death of his daughter and on his statement, the Sidhwalia PS (UD) Case No. 05/15 was registered. The informant did not make any complaint with regard to torture and demand of dowry earlier. The informant stated that accidentally his daughter consumed poison.

Considering the facts aforesaid and the fact that other accused persons have already been granted anticipatory bail, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to 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 the learned Chief Judicial Magistrate, Gopalganj in Thawe P.S. Case No. 131/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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