

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53844 of 2016

Arising Out of PS.Case No. -23 Year- 2014 Thana -MAHILA P.S. District- SEKHPURA

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1. Ram Briksh Mahto @ Rambrikslearnth Mahto Son of Late Chhotan Mahto Resident of Village-Dih Kusumbha, P.S.-Korma, District-Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Lal

For the Opposite Party/s : Mr. Sri Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 22-12-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Petitioner is in custody since 02.09.2016 in connection with Sheikhpura Mahila P.S. Case No. 23 of 2014 registered under Sections 302, 307, 323, 441, 498-A, 494 of the Indian Penal Code.

3. According to the prosecution, the complainant was attempted to kill by sprinkling kerosene oil and setting her on fire but at the instance of co-villagers, she somehow managed to save her life. It is also alleged that petitioner has killed his two wives prior to his marriage with complainant.

4. Learned counsel for the petitioner, at the very outset, submitted that though the First Information Report has been lodged under various sections including Section 302 of the Indian Penal Code but Section 302 of the Indian Penal Code does not apply in this case as



the same has been leveled for the death of two wives of the petitioner due to disease. Moreover, the occurrence took place in January, 2013 but the instant case has been lodged after lapse of 1 and ½ years. Further, the charge sheet has been submitted against the petitioner under Section 307, 498(A) of the Indian Penal Code. The petitioner is languishing in custody since 02.09.2016.

5. Considering the nature of accusation, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sheikhpura in connection with Sheikhpura Mahila P.S. Case No. 23 of 2014.

(Arvind Srivastava, J)

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