

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28209 of 2017

Arising Out of PS.Case No. -40 Year- 2016 Thana -RASULPUR District- SARAN

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1. Rajesh Mahto Son of- Kushahar Mahto resident of Village- Rasulpur
Chati, P.S.- Rasulpur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Sri Bal Mukund Prasad Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 03-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 25.4.2016 in
connection with Rasulpur P.S. Case No. 40 of 2016 for offence
punishable under Section 304(B)/34 of the Indian Penal Code.

The prosecution case, as lodged by the brother of the
deceased, Kunti Devi is that she was married to the petitioner in
May, 2015 but due to non-fulfillment of demand of dowry, the
petitioner along with other family members have poisoned her to
death.

It has been submitted by the learned counsel for the
petitioner that he is innocent, and has been languishing in judicial



custody since more than a year. He submits that no overt act has been committed by the petitioner and even the F.S.L. report is not available as to ascertain whether, the poison was given to the deceased. He further submits that the matter has been compromised between the parties and that charge-sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, bail is rejected in connection with Rasulpur P.S. Case No. 40 of 2016 pending in the Court of learned A.C.J.M. 10th, Saran at Chapra.

However, the Petitioner may renew his prayer for bail before the learned court below after six months, if trial is not concluded by that time.

(Nilu Agrawal, J)

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