

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18795 of 2017

Arising Out of PS.Case No. -81 Year- 2016 Thana -BASOPATTI District- MADHUBANI

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Raju Mahto, son of Yogendra Mahto @ Upendra Mahto, resident of
Village- Basopatti, P.S.- Basopatti, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh 1, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 20-06-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
07.06.2016 in connection with Basopatti P.S. Case No. 81 of 2016
pending in the Court of Sri Ravi Shankar, learned Judicial
Magistrate-cum- Munsif-I, Madhubani registered for the offence
punishable under Sections 304(B)/34 of the Indian Penal Code.

The prosecution case is that the petitioner, who is the
husband of the deceased, Gunja Kumari, has killed the deceased
due to non-fulfilment of demand of dowry and tried to dispose of
the dead body, but on information the informant, who is father of
the deceased, came to Basopatti and saw the dead body of his
daughter.



It has been submitted by the learned counsel for the petitioner that he is innocent, there is general and omnibus allegation against the petitioner and his family members and all the witnesses supporting the prosecution case are relative of the deceased. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the cause of death as per postmortem report is asphyxia caused by throatling, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage. This application is, accordingly, rejected.

(Nilu Agrawal, J.)

Arjun/-

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