

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28379 of 2017

Arising Out of PS. Case No.-115 Year-2016 Thana- MOTIHARI MUFASIL District- East
Champanan

Guddu Mahto, son of Late Gaya Mahto, resident of Village- Suraha, P.S.-
Motihari Muffasil, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. SRI BINOD KUMAR

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 11-08-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor representing the State of Bihar.

This application, for grant of anticipatory bail, arises out of Muffasil Police Station Case No. 115 of 2016, disclosing offence under Sections 498A/365/304B/120B/34 of the Indian Penal Code.

The petitioner is the husband of the deceased.

Learned Counsel for the petitioner has submitted, referring to paragraph 19 of the case diary, that the petitioner is handicapped and the allegation of demand of dowry has not been found to be correct in course of investigation. The



implication of the petitioner and other family members is on the ground that the victim is traceless since 12.01.2016. He submits that there cannot be presumption of the death of the victim so as to constitute offence under Section 304B of the Indian Penal Code. He has also submitted that considering the physical condition of the petitioner, there is no chance that he will jump the bail or tamper with the evidence, if released on bail.

Considering the submissions, as above, this application is allowed.

Let the petitioner, Guddu Mahto, in the event of his arrest or surrender before the Court below within a period of six weeks from today, be released 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, East Champaran, at Motihari, in connection with Muffasil Police Station Case No. 115 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure, 1973.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court below on two consecutive occasions,



his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J.)

U	v	T	v
---	---	---	---

