

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15459 of 2017

Arising Out of PS. Case No.-3 Year-2015 Thana- PARASI District- Jehanabad

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Brijnandan Mahto @ Brijnandan Yadav, Son of Ram Jatan Mahto, Resident of
Village-Danka Bigha, P.S.-Parasi, District-Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. SRI ANISH CHANDRA, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-09-2017 Heard learned Counsels appearing on behalf of the
petitioner and the State.

The petitioner being, the husband of the sister of the informant, has renewed his prayer for bail in connection with a case registered for the offences punishable under Sections 302, 201, 498A, 120B/34 of the Indian Penal Code.

Prosecution case is that the sister of the informant Sabita Devi was married with the petitioner ten years prior to the lodging of the case. It is alleged that the petitioner used to demand motorcycle and gold chain as dowry and in the eventuality of non-fulfillment of the same, life threat was given by the petitioner. On 01.10.2015, the informant came to know that her sister went traceless, thereafter, the informant started searching her and found her dead body on 11.01.2015 at 8.00



A.M. in a Well, hence, it was alleged that the accused persons, including the petitioner killed the victim.

It is submitted by learned Counsel appearing on behalf of the petitioner that post-mortem report does not reflect any injury on the victim. Admittedly, the death took place after ten years of marriage and there is no eye witness to the occurrence.

It appears from the order dated 28.09.2016, passed in Criminal Miscellaneous No. 36078 of 2016 that it was submitted by the learned APP, after going through the case diary that the victim went traceless, but the petitioner, being the husband of the victim did not make any effort to search her and ultimately her dead body was found in a Well by the informant, being the brother of the victim. The prayer for bail of the petitioner was rejected, while directing the learned Court below to expedite the trial.

Perused the report of the learned Additional District and Sessions Judge-2, received through letter no.713, dated 24.08.2017, which does not suggest the reason for non-conclusion of the trial till date. However, the report stipulates that out of five charge-sheet witnesses two have been examined and against the restailable warrant of arrest has been issued except the I.O. of the case. The report further stipulates that the



trial is likely to be concluded within nine months.

Considering the fact that the death occurred after ten years of the marriage, during investigation no person came to depose as an eye witness to the occurrence and above-all the trial is not likely to be concluded in future and the petitioner is languishing in custody since 01.03.2016, let the petitioner above named 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 learned ADJ-II, Jehanabad, in connection with Sessions Trial No.491 of 2016/140 of 2016 arising out of Parasi P.S. Case No.03 of 2015.

However, the learned Court below would be at liberty to cancel the bail bond of the petitioner if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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