

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12026 of 2017

Arising Out of PS.Case No. -369 Year- 2016 Thana -CHAPRA MUFFASIL District- SARAN

=====

1. Vikash Mahto, son of Baliram Mahto, resident of Village- Kuldip Nagar,
P.S.- Chapra (M), District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh (APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 28-04-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned counsel representing the
State.

The petitioner seeks bail in connection with Chapra
(M) P.S Case No. 369 of 2016 registered for the offences
punishable under Section 304(B)/34 of the Indian Penal Code, but
cognizance has been taken under Section 306/34 of the Indian
Penal Code.

Allegedly, Pinki Kumar the daughter of the
informant performed love marriage with the petitioner in the
month of May, 2016 and after some days the petitioner and others
started demanding dowry and due to non-fulfillment, she was
tortured, they were demanding cash of rupees one lakh and one
motorcycle and for that they have killed Pinki Kumari.



Submission is of false implication and that the petitioner has performed love marriage with the deceased but after marriage the wife of the petitioner was in depression, as her Naihar people did not like that marriage and under depression she committed suicide by hanging herself. In postmortem, the cause of death has been found asphyxia due to hanging and chargesheet has been submitted under Section 306/34 and, as such, the petitioner deserves sympathetic consideration, as he is in custody since 08.10.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that during investigation the witnesses have supported regarding demand of dowry and further that the petitioner and others killed her due to non-fulfillment of demand of dowry.

In the facts and circumstances stated above, considering the chargesheet has been submitted under Section 306/34 of the Indian Penal Code and further there is no chance of tampering with the prosecution evidence and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial



Magistrate, Saran at Chapra, District - Saran, in connection with Chapra (M) P.S. Case No. 369 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

U		T	
---	--	---	--

