

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41311 of 2017

Arising Out of PS.Case No. -210 Year- 2016 Thana -GARAUL District- VAISHALI(HAJIPUR)

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1. Ramesh Mahto Son of Ram Swaroop Mahto Resident of Village -
Lodipur, P.S. - Goraul, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary

For the Opposite Party/s : Mr. Smt. Gulnar Begam

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-09-2017 Heard the parties.

This application is for grant of regular bail in connection with Goraul P.S.Case No.210 of 2016, for the offences under Sections 304(B) and 34 of the Indian Penal Code.

Allegation against the petitioner is of dowry death. The case is under Section 304B of the Indian penal Code. The petitioner is husband.

Submission of the learned counsel for the petitioner is that no case is made out under Section 304B of the IPC as admittedly the marriage was solemnized more than seven years prior. It has also been submitted that para 79 of the case diary clearly shows that she met with an accident and in that she died. The postmortem report also shows that the same fact. It has also



been submitted that the petitioner is in custody since 24.4.2017.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground that the petitioner is husband and death is in abnormal circumstances. It has also come in the case diary that the deceased was brought back and she was also suspecting that the petitioner has some illicit relation with some one, as such it is not a case for bail at present.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant bail to the petitioner at this stage, however, the petitioner may renew his prayer for bail at the time of framing of charge.

The learned trial court will look into all the materials available on the record as well as the post mortem report and considering the same, he will pass appropriate order without being prejudiced by the rejection order of this Court.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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