

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54721 of 2016

Arising Out of PS.Case No. -35 Year- 2014 Thana -ANDHRATHARI District- MADHUBANI

=====

1. Ram Kumar Mahto, Son of Firan Mahto, Resident of village - Pastan
Navtoli, P.S. Andhratharhi, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 29-06-2017 The explanation received in pursuance of the order
dated 24.04.2017 is accepted.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 498A/307/326/34/304(B) of the
Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

According to FIR which is dying declaration of
Sulekha Devi, the petitioner who is the husband of Sulekha Devi
burnt her to death by pouring kerosene oil on her body, at the
instigation of other family members on non-fulfillment of dowry
demand.

Submission of learned counsel for the petitioner is that
the dying declaration is wholly unreliable as the Doctor who
performed the post-mortem examination has found 95 per cent burn



injury on the surface of the body and in that circumstance no one would be conscious to give statement.

Moreover, there is no certificate of the Doctor on the so-called dying declaration that the victim was physically and mentally fit to give statement nor the dying declaration is signed by the victim, hence, chances of obtaining her LTI after her death cannot be ruled out. Besides the aforesaid, the case diary would reveal that no other witness has supported the allegation of illegal demand and torture for the same before the death. There is no eye-witness of the occurrence.

Considering the facts aforesaid, in my view, the petitioner deserves bail. Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Jhanjharpur, District Madhubani/successor Court in connection with Andhratharhi Police Station Case No. 35 of 2014, corresponding to G.R. No. 1421 of 2014, subject to the condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

Kundan/-

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

