

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42188 of 2017

Arising Out of PS.Case No. -640 Year- 2016 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Rakesh Prasad, Son of Kapildeo Prasad, resident of Village- Silao Dih,
P.S. Silao, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Baso Mahto, S/o Late Dwarka Mahto, R/o- Vill Mahananpur P.S.- Deep
Nagar, Dist.- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Prasad Singh No-2

For the Opposite Party/s : Mr. Matloob Rab

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 17-11-2017 Heard learned counsel for the petitioner, learned
counsel for opposite party no. 2 and learned APP for the State.

Petitioner seeks bail in connection with Sessions
Trial No. 400/17, arising out of Complaint Case No.
640(C)/2016 for offences punishable under Sections 304-B,
201/34 of the Indian Penal Code and ¾ of the Dowry
Prohibition Act.

The complaint case, as lodged by opposite party no.
2, is that the petitioner married his daughter Dinu Kumari on
13.05.2011 and she was always subjected to torture for non-
fulfillment of demand of dowry by her in-laws including the



petitioner and ultimately on 14.06.2016 she was strangled and her body was being cremated, but opposite party no. 2 along with his family members came and found that cremation ceremony was being performed.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case just because he is the husband of the deceased. He submits that the deceased suffered from high blood pressure and was treated by the Primary Health Centre and that some of the villagers, while she was sick, had taken her to the hospital but she died. He submits that in this connection, a report was called for by the Superintendent of Police, Nalanda and the S.H.O. has submitted report that witnesses have gone along with the deceased along with the in-laws of the deceased to the hospital, but she died. He further submits that Rs. 3,000/- was given for cremation under the Kabir Antyesthi Yojna, which finds support in the report of the S.H.O. It is further submitted that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and he is languishing in judicial custody since 20.03.2017.



However, learned counsel appearing for opposite party no. 2 submits that the death occurred within seven years of marriage, it is a case of dowry death and none of the witnesses nor the report of the SHO signifies the illness due to which the deceased died which creates doubt on the entire statement of the villagers and the petitioner.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 IIIrd Addl. Sessions Judge, Nalanda at Biharsharif, in connection with Sessions Trial No. 400/17, arising out of Complaint Case No. 640(C)/2016, subject to the conditions that:

(1) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.

(2) Petitioner will appear before the learned court below



during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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