

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27191 of 2017

Arising Out of PS.Case No. -190 Year- 2016 Thana -GARKHA District- SARAN

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Mahendra Mahto Son of Bunilal Mahto, R/o Village- Mithepur, P.S.-
Garkha, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Amarendra Kumar, Advocate
Mr. Ashutosh Tripathy, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 28-07-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
11.11.2016 in connection with Garkha P.S. Case No. 190 of 2016
pending in the Court of learned Chief Judicial Magistrate, Saran at
Chapra registered for the offence punishable under Sections 302
and 201/34 of the Indian Penal Code.

The prosecution case, as lodged by the brother of the
deceased, Devanti Devi, is that she was married to the petitioner in
the year 2007 and due to non-fulfilment of demand of dowry, she
has been killed by the petitioner and her in-laws and her body was
burnt and cremated near Gandak river.



It has been submitted by the learned counsel for the petitioner that he is innocent, general and omnibus allegation has been levelled against all the family members and the deceased died a natural death. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner is the husband of the deceased and his wife died in dubious circumstances.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage. This application is, accordingly, rejected.

Let petitioner renew his prayer for bail after six months, provided his trial is not concluded within that time.

(Nilu Agrawal, J.)

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