

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20876 of 2017

Arising Out of PS.Case No. -457 Year- 2016 Thana -MARHAURA District- SARAN

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1. Dina Nath Mahto, S/o Jay Nath Mahto, R/o Village- Salem Sarai, P.S.-
Marhowrah, District- Saran (Chapra) Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Gajendra Kumar Singh, d Adv.
For the State : Mr. Damodar Prasad Tiwary, APP 93
For the informant : Mr. Sunil Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 03-07-2017 Heard the learned counsel for the petitioner, the informant and the State.

This is a petition for grant of anticipatory bail for offence under Section 302/34 of the Indian Penal Code.

Sister of the informant died in her matrimonial house after thirteen years of her marriage with the petitioner. She was mother of three children. She died in unnatural circumstance as she committed suicide along with her two children by burn injuries.

The case diary would reveal that no witness of the place of occurrence has been examined nor any one has volunteered to say that he has seen the occurrence.

Submission of the learned counsel for the petitioner is that presumption of dowry death is not there and with similar allegation co-accused, Kuber Mahto, has already been allowed anticipatory bail by a coordinate Bench of this Court in Cr. Misc. No. 16816 of 2017.

The learned counsel for the informant opposed the prayer.



Considering the aforesaid fact, the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each in connection with **Marhowrah P.S. Case No. 457 of 2016** to the satisfaction of the **Chief Judicial Magistrate, Saran at Chapra**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Birendra Kumar, J)

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