

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27352 of 2017

Arising Out of PS.Case No. -1086 Year- 2016 Thana -SASARAM MUFFSIL District- SASARAM
(ROHTAS)

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1. Raja @ Sunil Kumar Mahto, S/o Late Rajendra Singh @ Rajendra Mahto, R/o Village- Amra Talab, P.S. Sasaram (M), District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy

For the Opposite Party/s : Mr. Smt. Veena Rani Prasad.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 02-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 16.11.2016 in connection with Sasaram Muffasil P.S. Case No. 1086 of 2016, S.T. No. 105 of 2017 for offences punishable under Sections 498-A, 307/34 of the Indian Penal Code and Section 3/4 of D.P. Act and later on Section 304-B of the IPC is added.

The prosecution case, as lodged by the informant, is that his daughter Puja Kumari was married to the petitioner in January, 2016 and was leading a happy married life but soon thereafter, she was tortured for demand of dowry and she was burnt to death for non-fulfillment of demand.



It has been submitted by the learned counsel for the petitioner that he is innocent, petitioner has performed love marriage with the deceased in which the informant had lodged an FIR against the petitioner and his family members bearing Sasaram Nagar P.S. Case No. 05 of 2016 for kidnapping his daughter for the purpose of marriage, in which the deceased- daughter of the informant had given her statement under Section 164 Cr.P.C. that she has married to the petitioner out of her own sweet will, hence, the case against the petitioner and his family members was not found true. It is submitted by the learned counsel for the petitioner that this is another vengeance against the petitioner as the deceased Arti Devi got burnt while making food and she was admitted to a known hospital at Varanasi by the petitioner himself where she was alive for next 10 days and thereafter, she succumbed. He submits that the petitioner and deceased were leading a happy married life and after the death of the informant's daughter he has been falsely implicated and charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. He further submits that none of the independent witness has deposed in the present case and only the interested witnesses have supported the prosecution case.

However, learned APP for the State 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 F.T.C. No. 1, Rohtas at Sasaram in connection with Sasaram Muffasil P.S. Case No. 1086 of 2016, S.T. No. 105 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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