

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27316 of 2017

Arising Out of PS.Case No. -257 Year- 2016 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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Pappu Mahto, son of Tarkeshwar Mahto @ Hargen Mahto, resident of
Village- Parsaw Wazid, P.S.- Kalyanpur, Dist- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-07-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner, who is the husband of the deceased,
Pooja Devi, is languishing in judicial custody since 25.12.2016
in connection with Kalyanpur P.S. Case No. 257 of 2016
registered for the offence punishable under Sections 304(B)/34
of the Indian Penal Code.

The prosecution case is that informant married his
niece Pooja Devi with the petitioner two and half years earlier
according to Hindu rituals and sufficient dowry was given as
per capacity. After marriage, petitioner started demanding
motorcycle, she-buffalo and Rs. two lacs and on non-fulfilment



of demand of dowry, petitioner used to give threatening to kill her and on the fateful day hanged and killed her.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. The fact was that deceased Pooja Devi had given birth to a child, who died and, as such, she lost her mental balance and used to make attempt to commit suicide, which has been supported by the independent witnesses. He further submits that the informant and his family members had participated in the cremation and due to instigation by villagers, a false case has been lodged against the petitioner and 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 submits that the informant's niece was done to death by the petitioner within two and half years of her marriage, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the



satisfaction of the learned Additional Chief Judicial Magistrate-IX, East Champaran at Motihari in connection with Kalyanpur P.S. Case No. 257 of 2016.

(Nilu Agrawal, J.)

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