

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24512 of 2017

Arising Out of PS.Case No. -78 Year- 2016 Thana -BABUBARHI District- MADHUBANI

=====

Chhotu Mahto, S/o- Sri Ashafi Mahto, Resident of Village- Banki Prasad,
P.S.- Babubarahi, District- Madhubani.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

=====

Appearance :

For the Petitioner : Mr. Ajay Kumar, Advocate.

For the State : Mr. Jitendra Kumar Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 02-08-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Babubarahi
P.S. Case No.78 of 2016 registered under Sections 304(B), 201
and 120(B)/34 of the Indian Penal Code.

The allegation of the informant Inardeo Mahto is that he
had performed the marriage of his daughter Runa Devi with this
petitioner according to Hindu Customs. After marriage, his
daughter was being tortured for non fulfillment of the dowry
demand of a motorcycle and money in cash by his son-in-law
(petitioner) and his other family members. Before two months,
the informant took his daughter to his house. On 05.05.2016 at



about 06.00 P.M., this petitioner took the daughter of the informant in Bidai. Thereafter, while the informant tried to make call to them on mobile but he could not contact with his daughter and this petitioner on mobile. On 06.05.2016, the informant came to know that a dead body of an unknown female has been found near canal, which has been sent for post-mortem examination at Sadar Hospital, Madhubani. Thereafter, the informant went at the Sadar Hospital, Madhubani, and saw the dead body of his daughter and after taking the dead body of his daughter, he performed her funeral ceremony in the village. The informant claimed that his daughter has been killed by his son-in-law (petitioner) and his other family members due to non fulfillment of the dowry demand and her dead body has been thrown by them at a lonely place to conceal the evidence.

Learned counsel appearing on behalf of the petitioner submits that it would appears from the F.I.R. that on the basis of the written report of the informant, the present case was instituted on 06.05.2016 at about 08.30 A.M. in which it is detailed that the informant took the dead body of his daughter, after post-mortem, from Sadar Hospital, Madhubani, and performed her funeral ceremony in the village but it would appear from the Post-Mortem Report of the deceased, the daughter of the informant, that the



post-mortem examination of the dead body of the deceased, the daughter of the informant, was held on 06.05.2016 at about 11.00 A.M., which creates serious doubt about the veracity of the prosecution case. In fact, the deceased was residing at her Maika and, perhaps, she died there but with an ulterior motive, the petitioner, who is the husband of the deceased and used to reside at Bombay, has falsely been implicated in this case. Further submission is that the petitioner is in custody since 29.09.2016. Moreover, after investigation, the chargesheet has already been submitted against the petitioner.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-VI, Madhubani, in connection with Babubarahi P.S. Case No.78 of 2016.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

