

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48532 of 2018

Arising Out of PS. Case No.-174 Year-2017 Thana- GORAUL District- Vaishali

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Dharmendra Mahto S/o Late Bikau Mahto, R/o Vill.- Sondho, P.S.- Goraul,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha

For the Opposite Party/s : Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-11-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in connection
with Goraul P.S. case No.174 of 2017 registered under Sections
304(B)/34 of the Indian Penal Code, pending in the court of
A.C.J.M. 1st, Vaishali at Hajipur.

Allegation is that the accused persons including the
petitioner caused death of the daughter of the informant due to
non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the
present case. There is no other substantive evidence to suggest



the implication of the petitioner in the present case nor there is any eye witness to the alleged occurrence. There is no external injury on the body of the deceased to ascertain the cause of death. The alleged incident has taken place after 12 years of marriage.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. He is the husband of the deceased. The onus is on him to explain the cause of death of the deceased. The F.S.L. report indicates that there was ethyl alcohol found on the body of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

If the petitioner surrenders before the court below and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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