

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10515 of 2018

Arising Out of PS. Case No.-226 Year-2017 Thana- SURYAGARHA District- Lakhisarai

Alok Kumar S/o Ashok Kumar R/o Village- Chachu Bigha, P.S.- Katrisarai,
District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Adv.
For the State : Mr. Ram Sumiran Roy, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 12-04-2018 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party No.2.

The petitioner seeks bail in Suryagarha P.S. case No.226 of 2017 registered under Sections 498A, 302/34 of the Indian Penal Code and $\frac{3}{4}$ of Dowry Prohibition Act, pending in the court of Chief Judicial Magistrate, Lakhisarai.

Allegation is that the accused persons including the petitioner demanded dowry from the informant. Thereafter the petitioner killed the children aged about 3 months by throwing on the earth, due to which the children sustained injuries and died on the spot.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.11.2017 and has got no criminal antecedent. Charge sheet has been submitted under Section 304



I.P.C. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. From Annexure 2 to the present application, the petitioner is mentally ill. The said fact has come in para 50 of the case diary also. The petitioner had no intention to kill the child in question.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioner is named in the F.I.R. There is specific allegation that due to assault on the part of the petitioner the child succumbed to death. Number of witnesses have also supported the said allegation.

Considering the aforesaid facts and circumstances, I am not inclined to granted bail to the petitioner. The same is rejected. The court below is directed to take all necessary steps to expedite the case.

(Sudhir Singh, J)

Narendra/-

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