

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.19484 of 2018**

Arising Out of PS.Case No. -354 Year- 2017 Thana -RIGA District- SITAMARHI

=====

1. Lalbabu Mahto, S/o Amiri Mahto, Resident of village Riga Nuniya tola,  
P.S. Riga District- Sitamarhi.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

=====

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

3      03-05-2018                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner has been in custody since 21.12.2017  
in connection with Riga P.S. Case No. 354 of 2017 registered for  
the offences punishable under Section 304(B) of the Indian Penal  
Code and ¾ of the Dowry Prohibition Act.

Learned counsel for the petitioner submits that the  
marriage in question was beyond the period prescribed under  
Section 304(B) of the Indian Penal Code and, therefore, no case  
under Section 304(B) of the Indian Penal Code is made out. He  
further submits that it is a case of suicide and the marriage took  
place eight years before the alleged occurrence. Learned counsel  
for the petitioner further submits that he is the father of three small



daughters and, therefore, he may be extended the privilege of bail so that he may take care of them.

Diary in the present case was called for which has since been received.

Learned counsel for the State after perusal of the case dairy submits that though it has been submitted that it was a case of suicide but, in fact, the victim lady is found to have ligature mark all around the neck and the neck is said to be tied from behind the ear. It is further submitted that the petitioner had been torturing the victim lady for bearing only girl child and for that reasons, the occurrence may have taken place.

Having considered all the facts and circumstances of the case and also after considering the materials available in the case diary, I am not inclined to grant regular bail to this petitioner. It is accordingly rejected.

**(Anjana Mishra, J)**

Saif/-Sneha

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

