

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27971 of 2018

Arising Out of PS. Case No.-100 Year-2017 Thana- PANDARAK District- Patna

Rokhani Mahto S/o Late Mado Mahto @ Mado Bind, R/o Vill.- Dargahi Tola,
P.S.- Pandarak, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Poshan Mahto S/o Late Bangali Mahto, R/o Vill.- Simariya Ghat, Bind Toli,
P.S.- Barauni, District- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Manglam

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-06-2018 Heard learned counsels for the petitioner and State.

The petitioner being the husband of the daughter of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498(A), 302, 201 and 34 of the IPC.

The prosecution case, as per the written report of Poshan Mahto submitted to the Station House Officer, Pandarak Police Station is to the effect that the daughter of the informant Geeta Kumari was married with the petitioner 15 years prior to her death. The informant came to know that her daughter has been killed by throttling her neck, due to non fulfillment of the dowry demand.

It is submitted by the learned counsel for the petitioner that the victim died after the 15 years of marriage. There is no eye



witness to the occurrence. The informant has not disclosed the name of the person who informed him about the occurrence nor any independent person except the family members of the victim has been examined during investigation.

Learned counsel for the State submits that though the family members of the victim have supported the prosecution case but the I.O. has recorded that no independent witness of the locality is ready to depose, as a result not a single statement of any independent witness has been recorded under Section 161 Cr.P.C. during investigation.

So far as the persons who disclosed about the death to the informant, neither his identification has been disclosed nor he has been examined.

Considering the fact that there is no direct evidence collected against the petitioner and admittedly informant is not the eye witness to the occurrence, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 2nd Additional Chief Judicial Magistrate, Barh, Patna, in connection with Pandarak P.S. Case No. 100 of 2017, subject to the condition as laid down under Section 438(2)



of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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