

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7993 of 2019

Arising Out of PS. Case No.-220 Year-2018 Thana- UDAKISHUNGANJ District-
Madhepura

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Sukhlal Mahto, aged about 32 years, Son of Rohit Mahto, Resident of Village
- Uda, Ward No. 4, P.S.- Udakishunganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-02-2019 Heard leaned counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody since
28.08.2018 in a case registered for the offences punishable
under Sections 302 and 304B/34 of the Indian Penal Code.

The prosecution case as per the Ferdbeyan of Bijaya
Devi recorded by S.I., Ram Niwas Singh on 29.07.2018 at 2.20
P.M., is to the effect that the daughter of the informant Ranju
Devi was married with the petitioner Sukhlal Mahto about 11
years prior to the death of the victim. Subsequently, they were
blessed with two children. But, since one year prior to the
alleged occurrence, there was a further dowry demand of Rs.
20,000/- and due to non-fulfillment of the same, torture was



inflicted upon the informant's daughter. However, the matter was pacified by the *Sarpanch* of the village by imposing a penalty of Rs.2,100/-. It is further alleged that on 29.07.2018 the informant received the information on phone that her daughter has been killed, thereafter, he reached to the in-law's house of her daughter and found her daughter lying dead.

It is submitted by learned counsel for the petitioner that admittedly, as per the own admission of the informant, the case does not come under the purview of Section 304B of the IPC since the alleged occurrence took place 11 years after the marriage. It is further submitted that there is no eye witness of the occurrence. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that there is specific case of killing the daughter of the informant is against the petitioner and the medical report suggests that ligature mark is found all around the neck of the body of the victim.

Considering the fact that as per the own admission of the informant that the marriage was performed about 11 years prior to the alleged occurrence, hence no case under Section 304B of the IPC is made out against the petitioner, charge-sheet



has only submitted under Sections 498(A) and 302 of the IPC, there being no eye witness to the alleged occurrence and the investigation has already been concluded, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **ACJM, Udakishunganj** in connection with **Udakishunganj, P.S. Case No.220 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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