

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16167 of 2019

Arising Out of PS. Case No.-769 Year-2018 Thana- TURKAULIYA District- East
Champaran

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SUKHAM MAHTO, Son of Bipat Mahto, Resident of Village- Sighiya
Hiban, P.S.- Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner being, the father of the husband of the
victim, is languishing in custody since 19.11.2018 in a case
registered for the offence punishable under Sections 304B,
201,34 of the Indian Penal Code.

The prosecution case got initiated on the basis of
written report of Sandeep Kumar submitted to the Station
House Officer, Banjariya Police Station is to the effect that the
sister of the informant, Sangita Devi was married with Nawal
Mahto on 24.04.2012, but subsequent to the marriage, further
dowry demand of Rupees one lac and a motorcycle was made
and due to non-fulfillment of the same, torture was inflicted



upon the victim. It is further alleged that on 18.11.2018, the husband of the victim informed the informant on the mobile phone that the sister of the informant has died.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against the husband of the victim, who is in custody. It is further submitted that he petitioner claims to be reside separately from the husband of the victim and the wife and son of the petitioner, Tetari Devi and Mukesh Mahto respectively have been granted bail by a Co-ordinate Bench of this Court vide order dated 07.03.2019, passed in Criminal Miscellaneous No. 14045 of 2019. 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 the petitioner and the husband of the victim have confessed their guilt.

Considering the fact that the thrust of accusation is against the husband of the victim, who is in custody, the confessional statement made before the police has no evidentiary value and similarly situated co-accused persons have already been granted bail by a Co-ordinate Bench of this Court coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal



antecedent, 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
CJM, Motihari, East Champaran in connection with
Turkauliya (Banjariya) P.S. Case No. 769 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

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