

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38237 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- KASIMBAZAR District- Munger

Sanjay Mahto @ Sanjay Mahton S/O Mahendra Mahto R/o village- Nonia
Tola, P.S.- Kasim Bazar, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 09-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 10.01.2019 has
filed the instant application for grant of bail in connection with
Kasim Bazar P.S. Case as No. 06 of 2019 registered for the
offence punishable under sections 304B and 34 of the Indian
Penal Code.

As per the allegation in the FIR, the daughter of the
informant got married to the petitioner. Soon after the marriage
allegedly the torture started. The accused persons used to beat
her. It is further alleged that on the date of occurrence her
daughter informed on mobile that she had been beaten. Later
they received a call from the petitioner that her daughter was
unwell. On reaching the Sadar Hospital, they found her daughter
dead. The informant was convinced that the accused persons



had tortured and killed her.

It is submitted by learned counsel for the petitioner that the allegations of assault and torture are false and concocted. In the postmortem report no external or internal ante mortem injury was found on the body of the deceased. It further transpired in course of investigation that as a result of the petitioner and the deceased having married on their own, the family of the petitioner was not on visiting terms. On the date of occurrence there had been altercation between the husband and wife in the morning after which the petitioner had left his house. It appears that the deceased had locked the door from inside and had consumed some poisonous material. In the evening on the petitioner's return, the door had to be forcefully opened and the deceased was taken to the hospital where the doctor declared her to be dead. It is further submitted that the petitioner is in custody since 10.01.2019 and has no criminal antecedent.

The application for bail has been opposed by the learned APP for the State submitting that there is allegation against the petitioner who happens to be the husband of the deceased.

Having heard learned counsel for the parties and taking into consideration the fact that no ante mortem injury was found on the body of the deceased, from the evidence it transpired that



the deceased had locked the room from inside, consumed poison and the said room had to be opened forcefully together with the fact that the petitioner is in custody since 10.01.2019 and has no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. Let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Kasim Bazar P.S. Case No. 6 of 2019.

(Partha Sarthy, J)

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