

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23928 of 2020

Arising Out of PS. Case No.-42 Year-2019 Thana- SIDHWALIYA District- Gopalganj

Anil Mahto, Male, aged about 25 years, Son of Late Narad Mahto, R/o
Village - Ladauli, P.S.- Sidhawaliya, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra

For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 09-12-2020 Heard Mr. Vyas Kumar Mishra, learned counsel for
the petitioner and Mr. Mukesh Kumar Singh, learned counsel
appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with
Sessions Trial No. 98 of 2020 arising out of Sidhwaliya P.S.
Case No. 42 of 2019 registered for the offence under Section
304 (B) / 201 / 34 of the I.P.C.

The prosecution story as per the First Information
Report is that the daughter of the informant was married with
the petitioner about 03 years ago in the year 2016. It is alleged
that on 27.02.2019 the petitioner killed the daughter of the
informant in her matrimonial home by strangulating her due to
non fulfillment of the demand of dowry. It has further been
alleged that when the informant arrived at matrimonial home of



his daughter, no body was found there in the house and from the neighbours the informant came to know that his daughter died in the night and her dead body has been disposed clandestinely by the accused persons.

Learned counsel for the petitioner submits that petitioner is the husband of the deceased and has falsely been implicated in this case on the basis of suspicion. Learned counsel further submits that petitioner has never demanded any dowry and his wife i.e. the deceased has died due to serious illness and the family members of the deceased had participated in the funeral and the present F.I.R. has been lodged after delay of five days.

On the other hand, learned counsel for the State referring to the case diary submits that during the course of investigation all the witnesses have supported the prosecution story and the daughter of the informant has been killed in her matrimonial home within 07 years of marriage and there is presumption under Section 113B of the Evidence Act against the petitioner and other family members and the petitioner has not discharged the initial liability and has not given any cogent justification regarding the death of the deceased in her matrimonial home.



Having regard to the submissions made by the parties and taking into consideration the materials available on record and the fact that the daughter of the informant has died within 07 years of her marriage in her matrimonial home and her dead body has been cremated clandestinely by the petitioner and other family members, I am not inclined to grant the privilege of regular bail to the petitioner.

Accordingly, the same is rejected.

However, the petitioner may renew his prayer for regular bail after completion of one year from today, if the trial does not record any progress.

(Anil Kumar Sinha, J)

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