

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69799 of 2019

Arising Out of PS. Case No.-64 Year-2018 Thana- DESARI District- Vaishali

Chandan Mahto Son of Baleshwar Mahto Resident of Village - Nayatola
(Bindtola), Nayagaon, P.S.- Desari, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 17-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner, being the husband of the victim, is languishing in custody since 29.06.2019 in a case registered for the offences punishable under Sections 304B and 201/34 of the Indian Penal Code, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Ramudgar Mahto submitted to the Station House Officer, Desari Police Station, is to the effect that the informant's daughter Mamta Devi was married with the petitioner Chandan Mahto six years prior to the lodging of the case, subsequently, they were



blessed with two children but the petitioner developed some intimacy with his sister-in-law (Bhabhi), Lalita Devi. On 13.03.2018, the daughter of the informant was taken by the petitioner to his house where she saw the petitioner in objectionable condition with Lalita Devi, thereafter, the daughter of the informant was killed by the accused persons including the petitioner, leading to registration of the case.

It is submitted by learned counsel for the petitioner that the victim was residing in her parents' house and her dead body was found near Pahalwan Ghat, Ganga river near Patna and false accusation has been levelled against the petitioner. It is further submitted that after six years of the marriage, the demand of a motorcycle is unbelievable and hence, the case does not come within the purview of Section 304B of the IPC. The dead body was recovered on 16.03.2018, and on the same day the FIR was lodged.

Learned APP for the State submits that the thrust of accusation is against the petitioner.

Considering the fact that the daughter of the informant died within six years of the marriage and there was accusation of demand of further dowry and the dead body has been recovered with multiple fracture injuries, this Court is not



inclined to grant bail to the petitioner in connection with Desari
P.S. Case No. 64 of 2018, pending in the Court of learned
ACJM-IV, Vaishali at Hajipur.

Accordingly, the prayer for bail of the petitioner is
rejected.

Let the trial be expedited.

(Dinesh Kumar Singh, J)

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