

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16379 of 2021**

Arising Out of PS. Case No.-356 Year-2020 Thana- KATIHAR NAGAR District- Katihar

RAKESH MAHTO @ RAKESH CHOUHAN @ RAKESH KUMAR
MAHTO @ RAKESH KUMAR CHOUHAN Son of Late Chhattu Mahto @
Chhatthu Chouhan Resident of Village- Lal Kothi, P.S.- Katihar (N), District-
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 14-09-2021 In view of sudden resurgence of COVID – 19

infection there is limited functioning of the High Court and

therefore the matter has been listed for consideration through

virtual mode.

Heard learned counsel for the petitioner and learned

APP for the State.

This Court would expect that the petitioner's

Counsel would honour his undertaking in the instant

proceedings regarding supply of requisite court fee etc. within

two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Katihar

(Town) P.S. Case No. 356 of 2020 registered under Sections

304B/34 of the Indian Penal Code.



Unnatural death of the informant's daughter has occurred in the matrimonial home. The petitioner is husband of the deceased.

It is submitted by petitioner's counsel that over a trivial domestic dispute the victim has committed suicide. Bonafide of the petitioner is evident from the fact that, even as per FIR, it is the petitioner who has given intimation regarding demise of the victim and he has been arrested on the date of the unnatural death itself. Petitioner is stated to be in custody since 5.7.2020.

Learned APP submits that the ingredients of Section 304B are made out from the allegations there is presumption against the petitioner. The post-mortem report which has been considered in the order of the Additional Sessions Judge-V, Katihar rejecting the petitioner's prayer of bail shows that the death has occurred due to asphyxia and shock on account of hanging.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by learned APP. This Court, for the present, is not inclined to allow petitioner's prayer for bail. The same is rejected.



The application for bail is thus dismissed.

The learned Court below is directed to proceed with the trial expeditiously without any undue delay or unnecessary adjournments

(Madhuresh Prasad, J)

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