

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16792 of 2021

Arising Out of PS. Case No.-100 Year-2020 Thana- SINGHIYA District- Samastipur

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Miathilesh Mahto @ Mithilesh Mahto @ Mithlesh Mahto, Son of Mushaharu Mahto, Resident of Village - Mushepur, P.S.- Singhia, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gaurav Kumar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-10-2021 Heard learned counsel for the parties through virtual court proceedings.

Petitioner seeks bail in Singhia P.S. Case No.100 of 2020, registered for the offences punishable under Sections 302, 307, 323, 324, 325, 341, 504 and 34 of the Indian Penal Code as well as under Sections 3 and 4 of the Dowry Prohibition Act.

Allegation against the petitioner (*devar* of the informant) is that the petitioner snatched her baby from her lap and threw him on the ground due to which the baby died. The informant also made allegation that she was tortured mentally and physically by her in-laws for non-fulfillment of additional demand of dowry.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. It is submitted that the petitioner is the brother-in-law of the informant and he was not present at the time of occurrence. It is further submitted that in the case diary, no witness has supported the prosecution case. The petitioner is in custody since 12.10.2020 and he has got no criminal antecedent as stated in paragraph 3 of the bail petition.

Learned Additional Public Prosecutor opposed the prayer for bail of the petitioner by submitting that according to the FIR, there is direct allegation against the petitioner that the petitioner snatched the baby from the lap of the informant and threw the baby on the ground.

Having considered the fact that there is specific allegation against the petitioner that he snatched the baby of the informant from her lap and threw the baby on the ground, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

However, the learned trial court is directed to expedite the trial of the petitioner.

(Anjani Kumar Sharan, J)

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