

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20544 of 2021

Arising Out of PS. Case No.-158 Year-2019 Thana- PATAHI District- East Champaran

SANJEET MAHTO SON OF NANDKISHORE MAHTO R/O VILLAGE-
RUPANI, P.S.- PATAHI, DISTRICT- EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 15-11-2021

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 304B, 201 and 34 of the Indian Penal Code.

As per the prosecution case, the allegation against the accused persons including the petitioner herein who happens to be the husband of the deceased is of having assaulted the sister of the informant and of having ultimately done her to death. It is stated that ultimately the informant got the postmortem conducted on the half burnt body of his sister.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and incorrect. He has been falsely implicated in the case because of his relationship being the husband of the deceased. The sister of the informant had run away without informing the members of the family for oblique reasons. There is a delay of 7 to 8 days in lodging of the FIR. The postmortem has been conducted not on the body of the sister of the deceased but on some other person. The so called sanha referred to in the case diary appears to be



antedated. The petitioner is in custody since 7.11.2019 and has no criminal antecedent. There is no chance of the case/trial concluding in the near future.

The application for bail is opposed by learned APP for the State who referring to the contents of the case diary submits that there is no delay in lodging of the case. Initially a sanha was lodged and subsequently on postmortem being conducted and on the written statement of the informant the FIR was registered. The cause of death in the postmortem is 100 percent burn injury.

Having heard learned counsel for the parties and taking into consideration the petitioner being the husband of the deceased, together with the contents of the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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