

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36922 of 2021

Arising Out of PS. Case No.-25 Year-2020 Thana- DESARI District- Vaishali

Akhilesh Mahto S/O Bindeshwar Mahto R/o village- Sarai Dhanesh, P.S.-
Desari, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Desari (Sahdei OP) P.S.
Case No. 25 of 2020 corresponding to Sessions Trial No. 107 of
2020, registered for the offence punishable under Sections
304(B)/34 of the Indian Penal Code.

As per the prosecution case, informant's daughter has
been done to death due to non-fulfillment of demand of dowry
by the petitioner and family member. Petitioner is husband of
the deceased.

It is submitted on behalf of the petitioner that
petitioner is innocent and has committed no offence. No such



occurrence has ever taken place and there was no demand of dowry by the petitioner. Petitioner was not present at the place of occurrence on the alleged date and time. In fact, the deceased has committed suicide. The doctor who conducted postmortem report has not found any external or internal injury over the person of deceased. Petitioner is in custody since 03.02.2020 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail.

Considering the facts aforesaid and the nature of allegation and the fact that petitioner is husband of the deceased and deceased died in unnatural circumstance within seven years of her marriage, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

As the petitioner is in custody since 03.02.2020, trial court is directed to conclude the trial as early as possible.

(Prabhat Kumar Singh, J)

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