

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30450 of 2020**

Arising Out of PS. Case No.-367 Year-2019 Thana- PUPRI District- Sitamarhi

Pappu Mahto, Son of Umesh Mahto, Resident of Village- Gadha, P.S.- Pupri,
District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 29-01-2021 Heard learned counsel for the petitioner and Mr.
Sanjay Kumar Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Pupri P.S. Case No. 367 of 2019 registered for the offences punishable under Sections 304(B), 201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the allegations the marriage between the petitioner and the daughter of the informant had taken place about four years ago. It is alleged that on 20.08.2019 in the evening the sister-in-law of the informant informed him on his mobile that his daughter has died and her family members performed her last rituals.

Learned counsel for the petitioner submits that the wife of the petitioner was suffering from acute massive hepatitis



-c deep jaundice since long for which she was under treatment of Dr. K.B. Nath since 01.07.2019 to 19.08.2019 onwards. It is submitted that in course of treatment under Dr. K.B.Nath the wife of the petitioner died on 19.08.2019.

In this connection he has relied upon the certificate granted by Dr. K.B.Nath (Annexure '2') which is available with the case diary. Some Bills/Cash Memos showing purchase of medicines are also there with the case diary.

Earlier, this Court after noticing that the Doctor had granted a certificate that the deceased was under treatment from 01.07.2019 to 19.08.2019, called for a report from the I.O. after verification from the Doctor and the concerned medicine shop. This Court had noticed that if the wife of the petitioner was suffering from acute massive hepatitis-c deep jaundice and there is no hepatic profile report/pathological test report particularly bilirubin test and other parameters report showing that the deceased was suffering from jaundice, the certificate would not be inspiring confidence.

Learned A.P.P. for the State has submitted that the I.O. has verified it from the Doctor who has stated that though he was treating the deceased but he had not advised for hepatic profile, pathological test or blood/urine test to the deceased. The



medicines shop has confirmed that the receipts have been issued from the said shop.

Having heard learned counsel for the petitioner and learned A.P.P. for the State and upon perusal of the materials, this Court has noticed that in this case the petitioner has taken a plea that deceased died because of her illness suffering from acute massive hepatitis-c, deep jaundice. She was under treatment of a Doctor namely K.B.Nath from 01.07.2019 to 19.08.2019 but there is not a single scientific report by way of hepatic profile/pathological test, blood test or urine test of the deceased to inspire confidence of this Court in the certificate which has also been enclosed with the case diary. The petitioner is the husband of the deceased, death has taken place within the four-corners of the matrimonial home and the allegation is that the dead body has been cremated without any information either to the Police about the unnatural death of a newly wedded bride, no information was given to the informant's family, the entirety of the facts and circumstances do not inspire confidence of this Court so as to grant regular bail to the petitioner. Prayer is, thus, refused.

The observation hereinabove are only for purpose of rejection of the prayer for bail and in no way it will prejudice



the case of the petitioner.

Let the trial be expedited. The trial court shall proceed with the trial without granting any longer date and all endeavours should be made to fix shorter date and it is expected that prosecution shall cooperate with the trial.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

