

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32992 of 2020

Arising Out of PS Case No.-125 Year-2018 Thana- KHAIRA District- Saran

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Anil Kumar Mahto @ Anil Kr. Mahto @ Anil Mahto, aged about 27 years,
Son of Sri Uttim Mahto Resident of Village - Dharampur, P.S.- Khaira,
District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate
For the State : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 27-01-2021

Heard Mr. Bishwajeet Singh, learned counsel for the petitioner and Mr. Sanjay Kumar Sharma, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Khaira PS Case No. 125 of 2018 dated 17.05.2018, instituted under Sections 304B, 201/34 of the Indian Penal Code.

3. The informant who is the father of the deceased has alleged that the petitioner, who was the husband of the deceased, had killed her due to non-fulfillment of dowry and the body was also made to disappear.



4. Learned counsel for the petitioner submitted that there was no foul play and the deceased was suffering from serious heart ailment due to which she died and her family members, including the informant, had also been informed and had participated in the last rites. Learned counsel submitted that though in the FIR, it has been admitted that the informant was aware of such development at 8.00 AM on 17.05.2018, but the FIR has been lodged at 4.15 PM. It was further submitted that later the informant realized his mistake and has filed a compromise petition before the Court below. It was submitted that the petitioner is in custody since 27.11.2019.

5. Learned APP submitted that death has occurred within two years of marriage and no case lodged by the petitioner, being the husband, clearly indicates that there was foul play.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that there has not been sufficient explanation by the petitioner with regard to how death occurred of a young girl who was married only for two years. Further, if submission of learned counsel for the petitioner is accepted that she was suffering from serious heart ailment, it cannot be believed that for two years, there was no occasion or requirement for her to go to any doctor



for treatment as no such plea has been taken and no medical prescription has been brought on record and, thus, the petitioner being aware that she was suffering from serious heart ailment due to which she died, without there being a finding of a doctor, is difficult to believe. Moreover, even in the compromise, the informant has not stated that he participated in the last rites and a young girl being cremated without waiting for the family members itself raises serious concerns about the *bona fide* of the petitioner.

7. In the aforesaid background, the Court is not inclined to grant bail to the petitioner.

8. Accordingly, the application stands dismissed.

9. However, as charges have already been framed, the Court below shall expedite the trial.

(Ahsanuddin Amanullah, J.)

P. Kumar

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