

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35433 of 2020

Arising Out of PS. Case No.-111 Year-2019 Thana- JALE District- Darbhanga

SANTAOSH MAHTO son of Laxman Mahto Resident of Village- Subash
Chouk Jalley, P.S.- Jalley, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-03-2021 Heard Mr Girish Chandra Jha, learned counsel for the
petitioner. No one appears for the State.

Petitioner seeks regular bail in connection with S.T.
No. 464 of 2019 arising out of Jalley P.S. Case No. 111 of 2019
registered for the offence punishable under Section 304 (B) / 34
of the I.P.C.

The allegation as per the First Information Report is
that the daughter of the informant was married to the petitioner
about 01 year back and after marriage petitioner along with
other accused persons started demanding Rs. 2 Lakhs as dowry
and due to non fulfillment of the demand, the daughter of the
informant has been burnt to death.

Learned counsel for the petitioner submits that
petitioner has not committed any offence in the manner alleged



and the daughter of the informant died due to accidental fire while making food. Learned counsel next submits that petitioner is in custody since 03.08.2019. Learned counsel also submits that during the course of investigation the statement of victim was not recorded and other witnesses have also not stated anything against the petitioner.

This Court vide order dated 02.02.2021 has called for a report from the learned court below regarding the stage of the trial and in pursuance thereof vide letter no. 92 of 2021 dated 12.02.2021 report has been furnished by learned Addl. District & Sessions Judge – V, Darbhanga and from perusal of the same it appears that trial has begun and 05 charge sheet witnesses are to be examined. It also appears that the learned court below has mentioned the estimated time for completion of the trial within six months.

After having heard learned counsel for the parties and from perusal of the record it appears that within 01 year of the marriage the daughter of the informant has died in mysterious condition in her matrimonial home and there is presumption under Section 113 B of the Evidence Act against the petitioner and the trial is likely to be completed within 06 months as such, I am not inclined to grant regular bail to the petitioner at this



stage.

Accordingly, the the prayer for grant of bail is rejected.

However, the petitioner may renew his prayer for bail after completion of six months from today, if the trial does not conclude.

(Anil Kumar Sinha, J)

praful/-

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

