

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36469 of 2020

Arising Out of PS. Case No.-42 Year-2019 Thana- TARIYANI CHOWK District- Sheohar

Baleswar Mahato (Male), aged about 33 years, Son of Lalu Mahato, R/o
Village Narwara, P.S. Tariyani, District Sheohar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Kumar Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 02-03-2021 Heard Mr. Shiv Kumar Prasad, the learned counsel for
the petitioner and Mr. B.N. Pandey, the learned Additional P.P.

The petitioner seeks bail in Tariyani P.S. Case No.42
of 2019, registered under Sections 302, 201 and 34 of the Indian
Penal Code.

The informant alleged that his daughter, Phulo Devi
was married with Baleswar Mahto ten years ago. His daughter
gave birth to three children. On 24.02.2019, Baleswar Mahto,
the son-in-law of the informant informed that the condition of
his daughter was serious. Having received such information, he
came to the house of his daughter and found her absent. The
inmates of the house were also absent. The informant came to
know from the neighbours that his daughter was killed by her
husband and other in-laws and her dead body was hurriedly



disposed of.

Mr. Shiv Kumar Prasad, the learned counsel for the petitioner submits that the petitioner is of course the husband of the deceased, but there is no allegation of assault against the petitioner. The witnesses disclosed that the wife of the petitioner was suffering from illness and she died, but it appears from perusal of the case diary that the dead body was hurriedly cremated outside the village. The Investigating Officer collected the remains of the dead body. It further appears that Suraj Kumar, one of the sons of the deceased, in para 28 of the case diary disclosed that his mother was quarreling and for that his father Baleshwar Mahto assaulted her with wood plank and his mother died. Thereafter the dead body was hurriedly cremated.

Having considered the facts that none else than the son of the deceased, who is an eye witness of the occurrence, disclosed that it was his father, the petitioner, who assaulted his mother with wood plank on her head and other parts of the body causing her death on the spot and thereafter her dead body was hurriedly cremated, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within six months from the



date of receipt of this order.

The Superintendent of Police, Sheohar is directed to ensure the attendance of the witnesses in the trial court so that the trial must be concluded within six months from the date of receipt of this order.

Let a copy of this order be sent to the learned trial court as well as the Superintendent of Police, Sheohar for information and needful.

(Prabhat Kumar Jha, J)

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