

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1738 of 2021

Arising Out of PS. Case No.-107 Year-2019 Thana- PALASI District- Araria

MITHUN KUMAR MANDAL Son of Udra Nand Mandal Resident of
Village- Bhattawari Ward No.2, P.S.- Palasi, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Narayan Mahto

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-03-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Palasi P.S. Case No. 107
of 2019, registered for the offence punishable under Section
304(B)/34 of the Indian Penal Code.

As per the prosecution case, informant's daughter was
married with this petitioner two years ago. It is further alleged
that for the last three months this petitioner along with other
named accused persons used to assault the daughter of
informant for demand of dowry. On 11.04.2019 at 9.00 pm
informant came to know that in-laws of her daughter badly
assaulted her and when the informant went there she saw that
her daughter was lying on the ground who disclosed the
informant that petitioner and her in-laws for non-fulfillment of
demand of dowry badly assaulted her and also administered



poison to her. It is further alleged that when the informant tried to take her daughter for medical treatment, the accused persons restrained her, as a result of which daughter of informant died.

It is submitted on behalf of the petitioner that petitioner has never demanded any dowry and there is love marriage and both petitioner and victim girl were living peacefully and at the relevant point of time, petitioner was not present at the place of occurrence as he was living outside for earning livelihood. Petitioner is in custody since 06.01.2020 having no criminal antecedent. Chargesheet has already been submitted.

Learned APP however, vehemently opposed the prayer for bail and submitted that it is a case of dowry death. Petitioner is husband of the deceased and the deceased died within seven years of her marriage at her sasural in unnatural circumstances.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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