

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6268 of 2021

Arising Out of PS. Case No.-82 Year-2020 Thana- KURSAILA District- Katihar

SULESHWAR MAHTO @ SULESHAR MAHTO SON OF LATE
RAGHUNI MAHTO RESIDENT OF VILLAGE- GANDHI GHAR BIN
TOLI, POLICE STATION- KURSELA , DISTRICT KATIHAR,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-06-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

The petitioner seeks regular bail in connection with
Kursaila Police Station Case No. 82 of 2020, registered for the
offence punishable under Sections 304-B/120-B/34 of the Indian
Penal Code.

The prosecution case, as per the First Information
Report, is that the daughter of the informant was married to the
son of the petitioner in the year 2019 and soon after the
marriage, the petitioner and other accused persons started
demanding one motorcycle and a sum of Rs. 1,00,000/- by way
of dowry and due to non-fulfillment of the said demand, the



petitioner and other accused persons used to harass and torture the daughter of the informant, which was being informed to the informant by her daughter on mobile phone. It has further been alleged that on 30.04.2020, the petitioner's villager informed the informant on mobile that the family members of her daughter had killed her and upon this information, the informant, along with her husband and other villagers, rushed to the matrimonial house of her daughter and saw the dead body of her daughter. It has further been alleged by the informant that the petitioner along with others have killed the daughter of the informant by pressing her neck.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. He further submits that the petitioner is the father-in-law of the deceased and he lives separately from his three sons and has no concern with their affairs. He next submits that there is no specific allegation of demand of dowry against the petitioner and other accused persons. He next submits that the brother-in-law (Sanjay Mahto) and mother-in-law (Sahogiya Devi) have been granted bail by co-ordinate Bench of this Court, vide order, dated 10.03.2021, passed in Criminal Misc. No. 33531 of 2020.



He next submits that the prayer for bail of the husband of the deceased has been rejected by co-ordinate Bench of this Court. He next submits that the matter has been compromised between the parties and a joint compromise petition has been annexed as Annexure-2 to this application. He further submits that the petitioner is in custody since 05.09.2020.

On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for bail and submits that within one year of the marriage, the daughter of the informant died in her matrimonial home in suspicious condition and there is presumption under Sections 113-A and 113-B of the Evidence Act against the petitioner and other accused persons and the petitioner has failed to discharge his initial liability and has not given any cogent reason about the death of the deceased. He further submits that the prosecution has *prima facie* established the existence of proximate and live link between the dowry death and cruelty/harassment for dowry demand by the husband and his relatives. He further submits that the petitioner is the head of the family and the responsibility of the petitioner was much greater than that of other family members.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact



that within one year of marriage, the deceased died unnatural death in her matrimonial home in suspicious condition and there is presumption against the petitioner and other accused persons under Section 113-B of the Evidence Act, I am not inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after nine months from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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