

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8767 of 2021**

Arising Out of PS. Case No.-104 Year-2020 Thana- MARANCHI District- Patna

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SOHAN MAHTO, Son of Late Sudhir Mahto, Resident of Village- Rajesh Nager, Maranchi, P.S.- Maranchi, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 06-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Aslam Ansari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Maranchi P.S. Case No. 104 of 2020 registered for the offence punishable under Section 328, 304(B), 201/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

As per the prosecution case, the informant received a telephonic call by the villagers that his daughter has been killed by her husband and mother-in-law by giving poison and the dead body has been taken towards Ganga river. Thereafter, he

went to the matrimonial home of his daughter with his family members where he did not find any one present in the house. He was told by the neighbours that his daughter has been killed by giving poison and they have taken away the dead body towards Ganga river for cremation. Thereafter, he went at Maranchi Police Station and the Police recovered the dead body from there. It is stated by the informant that his son-in-law demanded Rs. 1,25,000/- for doing business which was paid by him and again he demanded Rs. 1,00,000/- on which the informant paid Rs. 79,000/-. It is alleged that the informant's son-in-law again demanded Rs. 50,000/- which was denied by him resulting he indulged in assaulting the daughter of the informant.

Learned counsel for the petitioner submits that as per the F.I.R. the marriage between the petitioner and the deceased had taken place about six years ago, however, according to him the marriage was solemnized eight years ago.

It is his further submission that in the First Information Report there is no specific allegation of demand of dowry. All that is alleged is that the petitioner had asked for some money for running his business and recently when he had demanded a sum of Rs. 50,000/- for business purpose, the informant told him that he had no money. It is, thus, his

submission that there is no allegation that for non fulfillment of demand of dowry the petitioner was committing any torture against his wife. The allegation of torture is made when about 15 days back the petitioner allegedly demanded a sum of Rs. 50,000/- but the same was not provided by the informant.

Learned counsel further submits that in course of investigation save and except the parents and relatives of the deceased no independent witness or a witness from the local area/mohalla has been examined by the I.O. Neither the inquest report nor the post-mortem report discloses any sign of injury on the body.

It is alleged that the petitioner and his family members had administered poison but till date no independent material has been collected against this petitioner to corroborate this allegation.

Mr. Md. Aslam Ansari, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner, however, it is informed that Police has completed investigation and a chargesheet has been filed under Section 328, 304B and 201/34 of the Indian Penal Code.

Considering the facts and circumstances of the case wherein this Court has noticed from the materials on the record

that there is no specific allegation of demand of dowry and the post-mortem report/inquest report does not indicate any mark of injury on the body and further in the case diary no statement of any independent witness has been brought to the notice of this Court, the petitioner having remained in jail since 04.09.2020 and the investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Sri Ranjan Deo, learned Judicial Magistrate, Barh, Patna in connection with Maranchi P.S. Case No. 104 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or

tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.