

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3761 of 2022

Arising Out of PS. Case No.-365 Year-2019 Thana- BIDUPUR District- Vaishali

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Jitendra Mahto @ Jitendra, Son of Brij Nandan Mahto, R/O Village-
Madhurapur, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bidupur P.S. Case No. 365 of 2019 registered for the alleged offences under Sections 304 (B)/201 of the Indian Penal Code.

Allegedly, the petitioner, who is husband of the deceased, and other co-accused persons caused the dowry death of the daughter of the informant and made her dead body disappear.

The learned counsel for the petitioner submits that it



is clear from the FIR that the marriage was solemnized in the year 2014 and surprisingly, there has not been any demand till the year 2019. Further, the informant did not lodge a case, if his daughter was subjected to any demand of dowry for last few months. She was never assaulted and there is nothing on record to prove this fact. The petitioner and his wife have been blessed with a baby boy and this belies the prosecution case about any marital discord. In fact, the petitioner himself took his wife to doctor on the fateful day and she was referred to P.M.C.H, Patna for treatment. The FIR has been registered after a delay of two days. Later on, when the informant came to realize the mistake, filed an application before the court of learned Chief Judicial Magistrate, Vaishali at Hajipur admitting that his daughter died due to medical complications and the petitioner has got no role in it. Learned counsel further submits that other co-accused persons have been granted privilege of anticipatory bail by a coordinate Bench of this Court vide order dated 13.12.2021 passed in Cr. Misc. No.4375 of 2021. The learned counsel further submits that charge-sheet has been submitted and cognizance has also been taken in this case and the petitioner is in custody since 13.08.2021.

Learned APP opposes the prayer for bail of the



petitioner submitting that the petitioner is the husband of the deceased and admittedly, she was medically examined by the doctor and was referred to PMCH, but the petitioner and co-accused persons disposed of the dead body in order to remove the evidence.

Perused the records.

Having regard to the rival submissions of the parties and considering the fact that the wife of the petitioner died under unnatural circumstances within seven years of marriage and there is nothing on record to show natural death, I am not inclined to enlarge the petitioner on bail.

Accordingly, his prayer for bail is rejected.

Learned trial court is directed to expedite the trial and conclude the same expeditiously preferably within a period of one year.

However, if trial is not concluded within one year, the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

V.K.Pandey/-

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