

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17976 of 2021**

Arising Out of PS. Case No.-205 Year-2019 Thana- GAIGHAT District- Muzaffarpur

Kanhaiya Mahto, male, aged about 29 years, Son of Suresh Mahto Village
Kumhraur, P.S.- Gayghat, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra, Adv.

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

4 10-03-2022 Heard Mr. Bipin Chandra, learned Advocate for the
petitioner and Mr. Anand Kishore Choudhary for the State.

The petitioner, who is the husband of the deceased, seeks bail in anticipation of his arrest in connection with Gaighat P.S. Case No. 205 of 2019 dated 12.07.2019 which was earlier instituted for the offences under Sections 341, 323, 325, 307, 498(A) and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act but, later on, with the death of the deceased, Section 304(B) of the I.P.C. was added.

Mr. Chandra, learned advocate for the petitioner, has pointed out that from reading of the F.I.R. itself, it would appear that the deceased had committed suicide as he himself had informed the family members of the deceased that she had tried to hang herself and that she has been immediately rushed to the hospital for treatment. During the course of treatment, the



deceased died. No effort appears to have been taken by the investigator to record her statement or indicate in the police papers about the condition of her life till the time she survived. It has further been submitted that when the Informant came to learn about the correct state of affairs, he filed necessary application before the court below intimating him that he does not wish to prosecute the petitioner any further.

However, considering the facts that the petitioner is the husband of the deceased and that he was overall responsible for her well-being, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail of the petitioner is accordingly rejected.

However, if the petitioner surrenders before the court below and seeks bail, his application shall be considered on its own merits taking into account the above-noted facts and without being prejudiced by the fact that the present application has not been entertained by this Court.

(Ashutosh Kumar, J)

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