

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18741 of 2022

Arising Out of PS. Case No.-666 Year-2021 Thana- MADHAURAH District- Saran

1. Bhushan Mahto Sonof Shital Mahto Resident of Village - Jagdishpur, P.s.- Marhaurah, Distt.- Saran.
2. Sadbhawati Devi W/o Bhushan Mahto Resident of Village - Jagdishpur, P.s.- Marhaurah, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-08-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Marhaurah P.S. Case No. 666 of 2021 registered for the offence under Sections 328, 304(B) and 34 of Indian Penal Code.

The accused/petitioners are named in the F.I.R. and are in custody since 28.01.2022.

The allegation against the petitioners is to cause death of sister of the informant, alongwith other family members for non-fulfillment of demand of dowry.



Learned counsel appearing on behalf of the petitioners submitted that both the petitioners are in-laws and are living separately, having no connections with the daily affairs of the deceased and her husband. It is submitted that there is no specific allegation, as regard to demand of dowry, against the petitioners. It is also submitted that the deceased died due to snake bite and, as such, her death was natural and this fact is also in corroboration with the post mortem report, as no external injury was found upon the body of the deceased. It is further submitted that chargesheet has been submitted against the petitioners without obtaining the viscera report, ascertaining the cause of death. While concluding the argument, it is submitted that petitioners are persons of clean antecedent and, moreover, investigation in this case is complete.

Learned APP appearing on behalf of the State, while opposing the prayer for bail, fairly conceded that petitioners are the in-laws of the deceased and chargesheet has been submitted without obtaining the viscera report.

In view of the facts and circumstances, as mentioned above, as the petitioners are in-laws, where chargesheet has been submitted without obtaining the viscera report coupled with the fact that petitioners are persons of clean antecedent, let



the petitioners, above named, are directed to be released on bail in connection with Marhaurah P.S. Case No. 666 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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