

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32738 of 2021

Arising Out of PS. Case No.-108 Year-2020 Thana- BALTHAR District- West Champaran

Kanhaiya Mahto Son Of Sri Sadhu Mahto @ Sadhu Sharan Mahto Resident
Of Village - Purainiya, P.S.- Balthar, District- West Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Madan Kumar

Mr. Bimlesh Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 02-02-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State through
video conferencing.

The petitioner seeks bail in connection with Balthar P.
S. Case No.108 of 2020, instituted for the offences under
Sections 304-B, 120-B, 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 07.01.2021, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The learned counsel for the petitioner submits that the
informant alleges that her daughter was married with the
petitioner in the year 2017 and had a son and a daughter from
the wedlock and was six months pregnancy. Further, it is alleged
that the informant was informed that her daughter has been
killed by the petitioner and father-in-law by strangulation as



they were demanding Rs. One lac as dowry, right after the marriage.

The learned counsel for the petitioner submits that the petitioner is innocent and being husband, has been implicated in the case. The learned counsel further submits that the conduct of the petitioner would demonstrate that he was completely unaware that he would be roped in a false case by the informant. The learned counsel submits that the fact that no effort was made to dispose of the body and on basis of the F.I.R., body was sent for post mortem that in itself demonstrates the conduct of the petitioner. Further in the post mortem report, no external injuries were found which belies the allegation of strangulation. The learned counsel submits that the viscera was sent for examination and the viscera report records that no Metallic, Alkaloidal, Glycosidal, Pesticidal and Volatile poison could be detected.

The learned counsel for the petitioner submits that neither that there was any external injury on the body of the deceased nor the viscera report even remotely suggest that she was poisoned to death that in itself shows that how the informant falsely implicated the petitioner by alleging that she was strangled to death.



The learned for the informant as well as learned A.P.P. for the State opposes the bail application, but are not able to meet the submissions of the learned counsel for the petitioner that neither the post mortem report nor the viscera report even remotely points towards the fact that petitioner in any manner was involved in the occurrence as per the allegation.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner and the post mortem and the viscera report, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Bettiah, West Champaran in connection with Balthar P. S. Case No.108 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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