

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37779 of 2021

Arising Out of PS. Case No.-76 Year-2019 Thana- MUSAHARI District- Muzaffarpur

Ramesh Mahto, Son of Satyanarayan Mahto, Resident of Village- Sutihara,
Purwari Tola, Police Station- Mushahari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Nandan, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 27-06-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ravi Nandan, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Mushahari P.S. Case No. 76 of 2019 for the offences punishable under Sections 304(B), 201/34 of the Indian Penal Code.

As per prosecution case, it is alleged that the marriage of the grand-daughter of the informant was solemnized with the petitioner in the year 2013, thereafter the deceased has been blessed with three children. It is further alleged that the accused persons used to demand Rs.2,00,000/- and due to non-



fulfillment of the same, the deceased was subjected to torture. It is further alleged that on 07.02.2019, when there was marriage of the sister-in-law of the deceased, her family members had come and it was disclosed by the deceased that she had apprehension that she might be killed by her in-laws. It is further alleged that on 16.03.2019, the accused persons killed the deceased and cremated her body in the night itself without giving any information to her family members.

It is submitted by the learned counsel appearing on behalf of the petitioner that there is general and omnibus nature of allegation against all the family members. It is also submitted that since the deceased was suffering from chronic disease and due to which she died and in support of his submission, a photo copy of the prescription has been annexed as Annexure-2 to this application. It is further submitted that both the husband and the wife were living peacefully and three children were born out from their wedlock, which shows that there was no such torture or demand of dowry. It is lastly submitted that there is delay in lodging the F.I.R., inasmuch as, this petitioner is languishing in jail since 04.01.2021.

On the other hand learned APP for the State vehemently opposes the bail application and submits that during



the course of investigation the statement of independent witnesses have been recorded, who supported the prosecution case and stated that the deceased was done to death by all the accused persons and the cremation of the dead body of the deceased was done without giving information to her family members.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner happens to be the husband of the deceased and the death has taken place within seven years of the marriage, inasmuch as soon before the death she was subjected to torture for demand of dowry and moreover the police after investigation found the case true and submitted charge-sheet under Section 304(B) of the Indian Penal Code, this Court is not persuaded to enlarge the petitioner on bail.

Accordingly, the present application for grant of bail stands dismissed, for the present.

(Harish Kumar, J)

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