

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40906 of 2021

Arising Out of PS. Case No.-163 Year-2020 Thana- KADAMKUAN District- Patna

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Viru Mahto @ Viru Kumar Mahto @ Sonu Raj S/O Anil Mahto @ Anil Prasad Resident Of Village- Mussalahpur (Haat), P.S.- Pirbahore, District- Patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.A. Shamsi, Advocate
Mr. Nawal Kishore prasad, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 05-07-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. N.A.Shamsi, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Kadamkuna P.S.Case No.163 of 2020 registered for the offences punishable under Sections 306, 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

As per prosecution case, it is alleged that on 25.03.2020 at about 10 Am suddenly the daughter of the informant started vomiting and she was taken to PMCH but his daughter was declared dead by the doctors. It is further alleged



that reason behind the death of the daughter of the informant that one week after marriage of his daughter she came back to his house and stated that she was subjected to torture for demand of dowry by the petitioner due to that she might have taken some poison.

Learned counsel for the petitioner submits that from the FIR, it is evident that marriage of informant's daughter was solemnized with the petitioner as they were in love just before 15 days of the alleged occurrence and it has come that after a week, she returned to her parental house and suddenly she started vomiting and was taken to PMCH, where she declared brought dead and moreover, it appears from the post mortem report that cause of death is due to shock and hemorrhage as a result of ruptured ectopic pregnancy. It is further submitted that admittedly the death has taken place in the parental house of the deceased. During the course of investigation, it has come that the girl was voluntarily solemnized marriage with the petitioner and there had never been any demand of dowry and any ill-treatment at the hands of the petitioner. It is lastly submitted that petitioner is in custody since 06.02.2021 and investigation has already been concluded and charge sheet has been submitted.

On the other hand, learned APP for the State



vehemently opposes the bail application of the petitioner and submits that deceased was subjected to torture for none fulfillment of demand of dowry.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that death had taken place in the parental house of the deceased and prima facie from the post mortem report, it appears that the victim died because of excessive bleeding as a result of rupture ectopic pregnancy. Furthermore, story narrated in the FIR also appears to be absurd and the petitioner is in custody since 06.02.2021, let the petitioner above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Patna in connection with Kadamkuna P.S.Case No. 163 of 2020 subject to the following conditions:-

(I) One of the bailors should be the close relative of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the



course of trial.

(iv) The court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has canceled his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of the bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J.)

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