

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61551 of 2021**

Arising Out of PS. Case No.-113 Year-2021 Thana- SHYAMPUR BHATHA District- Sheohar

Dinesh Mahto, S/O Ram Jivan Mahto, R/O Village-Lalgarh Tole Jimi Rai,
P.S-Shyampur Bhathan, District-Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 03-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Shyampur Bhatha P.S. Case No. 113 of 2021 registered for the alleged offences under Sections 302, 323 and 504 of the Indian Penal Code.

As per prosecution case, the petitioner assaulted and strangled his wife who was the daughter of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any criminal offence. The informant's daughter and the petitioner had been



leading a happy conjugal life without any matrimonial discord and blessed with two sons and two daughters. In fact, the daughter of the informant slipped at the hand-pump and sustained injury and she died on the spot and the informant was informed by the petitioner. This fact is also evident from the FIR, which says that the petitioner did not run away and he was present near the dead body. The informant and others also participated in the funeral after getting information from the petitioner, but subsequently, due to dispute regarding *stridhan*, the instant case has been lodged. Charge-sheet has been submitted in this case and the petitioner is in custody since 22.07.2021.

Learned APP opposes the prayer for bail submitting that witnesses, in the case diary, have supported the prosecution case stating that the petitioner assaulted the daughter of the informant and caused her death. Learned APP further submits that the witnesses in paragraph nos. 7, 49 and 51 have stated about the petitioner assaulting his wife.

Perused the records.

Having regard to the fact that there is specific allegation against the petitioner which is further corroborated in the statement of witnesses recorded during investigation and



also in the post-mortem which shows multiple bruises over the body of the deceased and cause of death is stated to be asphyxia leading to CR failure as a result of injuries noted in the post-mortem report and caused by hard and blunt object, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial.

(Arun Kumar Jha, J)

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