

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11684 of 2023

Arising Out of PS. Case No.-163 Year-2019 Thana- BARAULI District- Gopalganj

Akhilesh Mahto Son Of Mahesh Mahto R/O Vill.- Madhopur, P.S.- Barauli
(Madhopur Op), Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Kant

For the Opposite Party/s : Mr. Meena Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 304(B)/34 of the Indian Penal Code.

As per prosecution case, the informant alleged that the marriage of his daughter was solemnized with this petitioner but after that the petitioner along with others used to torture or misbehave with the deceased due to non-fulfillment of dowry demand. Thereafter on 16.5.2019 the informant came to know that his daughter has been killed by the accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is husband of the deceased due to which he has falsely



been implicated in this case. There is no prior complaint against the petitioner in respect of torturing or misbehaving with the deceased. During course of investigation, one suicide note, written by the deceased herself was recovered from which no complicity of the petitioner as well as others has found. This fact came into light that from the said suicide note that the deceased herself committed suicide which has also been corroborated by postmortem report, wherein cause of death is opined as Aasphyxia as a result of hanging. It is also submitted vide para 14 of petition that during course of trial prosecution has examined four witnesses and all of them have not supported the prosecution. The petitioner has got no criminal antecedent as stated in para-3 of the petition. Moreover, he is languishing in judicial custody since 3.1.2023.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Barauli P.S. Case No. 163 of 2019 on furnishing bail bond of Rs.10,000/- (ten thousand) with



two sureties of the like amount each to the satisfaction of
learned District & Sessions Judge Gopalganj.

(Sunil Kumar Panwar, J)

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