

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72621 of 2022

Arising Out of PS. Case No.-170 Year-2017 Thana- KARJA District- Muzaffarpur

Surendra Mahto S/O Late Nandu Mahto R/V- Barkagaon, Naya Tola, P.S.-
Karja, District- Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 28-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 304(B), 201, 34 of the Indian Penal Code.

3. As per allegation in the FIR, the informant alleged that his niece was married with the petitioner in year of 2014 and thereafter, the petitioner along with his family members subjected her to cruelty due to non-fulfillment of dowry demand. Ultimately, on 4.10.2017 the informant came to that his niece was killed by the petitioner along with his family members. Thereafter, the present FIR has been lodged.

4. 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 regarding demand of dowry or torture to the deceased. During course of investigation, no consistent evidence has come against the petitioner. The petitioner was also not present at the place of occurrence on the alleged date. It is also submitted that the deceased died due to hanging. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition & he is languishing in judicial custody since 22.6.2022.

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

6. 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 **after framing of charge, if charge is not framed.** The above named petitioner is directed to be released on bail in connection with Karja P.S. Case No. 170 of 2017 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M., 1st Class, Muzaffarpur.

(Sunil Kumar Panwar, J)

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