

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65925 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- KARJA District- Muzaffarpur

BIRENDRA MAHTO S/O Vishnu Mahto R/O Village- Madaripur, P.S-
Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Adv.

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Karja P.S.
Case No. 76 of 2022 dated 02.04.2022 registered for the offence
under Sections 302/120(B) of the Indian Penal Code.

The married daughter of the informant is alleged to
have been killed by the petitioner and his family members on
account of non-fulfillment of demand of dowry.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner happens to be husband of the deceased and it
appears from the F.I.R. that there is general and omnibus
allegation against the petitioner and no specific allegation of



assault or any overt act or any demand of dowry is attributed to him. He further submits that there is no eye witness to the alleged occurrence. He further submits that as a matter of fact the deceased herself committed suicide. The petitioner is rotting in judicial custody since 04.04.2022.

Learned A.P.P. for the State on the other hand vehemently opposed the prayer for bail of the petitioner on the basis of material available on record and the case diary and submits that the postmortem report itself goes to show that the deceased died because of anti-mortem strangulation this fact has also been corroborated by the inquest report which speaks about the external injury found on the person of the deceased which must have been caused due to assault. He further submits that the petitioner happens to be husband and he is solely responsible for alleged occurrence and several witnesses have also supported the prosecution version.

Considering the facts and circumstances of the case, this Court is not inclined to enlarge the petitioner on bail. Accordingly, prayer for bail of the petitioner is rejected.

(Rajesh Kumar Verma, J)

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