

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19967 of 2024

Arising Out of PS. Case No.-74 Year-2021 Thana- BASANTPUR District- Siwan

Lavkush Mahto Son of Lakhdev Mahto Resident of village- Lakhnaura, PS-
Basantpur - Lakdi Naviganj OP, District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Ranjeet Kumar, Advocate Mr.Shikhar Mani, Advocate Ms.Lakshmi Kumari, Advocate Mr.Rajnish Prakash, Advocate Mr.Kanishk Kaustubh, Advocate
For the Opposite Party/s :	Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 13-09-2024 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with

Basantpur (Lakdi Nabiganj OP) P.S. Case No. 74 of 2021

registered for the offences under Sections 304(B) and 34 of

the Indian Penal Code.

3. The petitioner is named in the First Information

Report and is in custody since 09.03.2021.

4. Allegation against the petitioner is to cause

death of daughter of the informant alongwith family

members due to non-fulfillment of demand of dowry, as

raised for one motorcycle.



5. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner has falsely implicated with the present case only for the reason that he is the husband of the deceased. It is submitted that allegation of assault and dowry demand is appearing very much general and omnibus against the petitioner.

6. While traveling over the argument, it is submitted that petitioner remains in custody for more than three years and six months, where the trial is remote aspect, as till now only single prosecution witness has been examined in this case. It is submitted that petitioner cannot be kept behind the Bar for an indefinite period in want of trial.

7. Learned A.P.P. for the State, while opposing the prayer of bail of the petitioner, submitted that petitioner is the husband. It is submitted that this brutal occurrence took place in the house of the petitioner where the deceased daughter of the informant was brutally killed due to non-fulfillment of demand of dowry, as raised for one motorcycle. It is submitted that as per autopsy report of deceased, the



cause of death was found as Asphyxia due to compression, injury on chest, mouth and nose, which appears corroborated with inquest report also.

8. It is further submitted by learned A.P.P. that marriage is the admitted position, where occurrence took place within seven years of the marriage of petitioner with the daughter of informant in background of dowry demand.

9. A report regarding stage of trial was called for from the learned trial court which was made available to this Court through Letter No. 390 dated 30.08.2024, as issued from the office of Additional Sessions Judge – IX, Siwan, from where it appears that out of five prosecution witnesses only single witness namely, Dhrupnath Mahto has been examined in part till now and to secure his presence for cross-examination, NBW was issued on 14.08.2024.

10. Considering the nature of accusation and injury, which suggesting *prima-facie* unnatural death of the daughter of the informant in house of petitioner within seven years of her marriage in the background of dowry allegation, this Court is not inclined to grant bail to the petitioner, for



the present.

11. Accordingly, prayer of regular bail of the petitioner is rejected herewith.

12. However, considering the custody period of the petitioner, as submitted above, learned trial court is directed to conclude the trial positively within six months from the date of this order by taking this matter on board on day to day basis.

13. The Superintendent of Police, Siwan is also directed to ensure the presence of all prosecution witnesses as and when directed by learned trial court so as trial of this case must conclude within the aforesaid time period.

(Chandra Shekhar Jha, J)

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