

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24715 of 2024

Arising Out of PS. Case No.-275 Year-2023 Thana- DALSINGHSARAI District- Samastipur

RAMESH CHANDRA MAHTO @ RAMESH KUMAR @ JHUMI SON OF
SHIVAJI MAHTO @ SHIVAM MAHTO RESIDENT OF AJNAUL EAST
WARD NO.7, P.S. - DALSINGSARAI, DISTRICT - SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Ramjiban Prasad
For the State	:	Mr. Jagdhar Prasad, APP
For the informant	:	Mr. Dilip Kumar Roy

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 13-08-2024 Heard the learned senior counsel for the petitioner and learned APP for the State, assisted by the learned counsel for the informant.

2. This is an application for regular bail on behalf of the petitioner for the offences alleged under Sections 302 and 34 of the Indian Penal Code, registered in connection with Dalsingsarai P.S. Case No. 275 of 2023.

3. As per allegation, the informant married his daughter to the petitioner in 2015 and the customary gifts and presents were offered to the petitioner at that time. In course of time, the petitioner, along with his other inmates of the house, started abusing and torturing the deceased in various ways,



demanding Rs. 5,00,000/- from her father as dowry. In case of non-fulfilment of demand, the petitioner threatened the deceased with dire consequences and ultimately she was done to death by strangulation.

4. The learned senior counsel for the petitioner has submitted that it is not a case of dowry death, as the same has been registered under Section 302/34 of the Indian Penal Code and also apparent from case diary, but due to error of record, it has been mentioned in the impugned order that the death of the deceased occurred within seven years of her marriage. Further submission is that the FIR itself discloses that it was none else but the petitioner, who himself informed his father-in-law about the death of the deceased, showing his innocence.

5. On the other hand, the learned APP as well as the informant opposed the prayer for bail by submitting that the allegation of dowry demand is there in the FIR and the deceased died in her matrimonial home by strangulation at the hands of the petitioner and other matrimonial inmates.

6. In the post-mortem report, the ligature mark was found around the neck of the deceased which shows that the death of the deceased occurred in the circumstances, which cannot be said to be natural death.



7. The report of the stage of the trial, as called for from the court below, shows that the charges have been framed on 27.06.2024 and the case is pending for evidence of the witnesses. Summons have been issued to procure the attendance of the witnesses.

8. Considering the above facts and circumstance of the case, as well as enormity of the offence committed by the petitioner, he does not deserve the privilege of bail, which is hereby rejected with the observation that the learned court below shall make every endeavour to dispose of the trial within a period of one year.

(Nawneet Kumar Pandey, J)

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