

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40165 of 2024

Arising Out of PS. Case No.-42 Year-2023 Thana- BARHARA District- Bhojpur

Kariman Mahto S/O Khaderan Bin R/O Village Fuhan, P.S. Barahara, Distt-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar Shrivastava, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 26-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 341 of 2023 arising out of Barahara P.S. Case No. 42 of 2023 dated 27.01.2023 registered for the offence punishable under Section 302 of the Indian Penal Code.

3. The prosecution case, in short, is that on 27.01.2023 at about 06:00 p.m, he received information on phone that his daughter, wife of the petitioner (Kariman Mahto) had died due to injury sustained by her while falling. When he reached to the *sasural* of his daughter along with his family members, he found his daughter was lying died.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. It is submitted that there is no allegation against the petitioner regarding any torture or demand previously. It is submitted that on bare perusal of post-mortem report, it seems that cause of death is Asphyxia and shock due to obstruction of foreign body (coin) in throat. It is further submitted that petitioner is the husband of the deceased and their marriage had taken place about 6-7 years before. She used to reside happily with her husband and a son aged about 1 ½ years was also born from their wedlock. She never lodged any complaint against the husband. It is submitted that in course of investigation, several independent witness have been examined under Section 161 of Cr.P.C. by the Investigating Officer. On the date of occurrence, the petitioner demanded Rs. 5/- for *Khaini* (tobacco) from his wife, who refused to give money and put the coin in her mouth upon which the petitioner pushed her away and she fell down. Only on the basis of suspicion, the petitioner has been made accused in this case. There is no eye witness to the said occurrence. Lastly, it has been submitted that the petitioner is in custody since 28.01.2023, having no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail



of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XIII, Bhojpur at Ara in connection with Barahara P.S. Case No. 42 of 2023.

(Khatim Reza, J)

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