

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39766 of 2024

Arising Out of PS. Case No.-177 Year-2022 Thana- HASANPUR District- Samastipur

Jay Ram Mahto S/o Ramdeo Mahto Resident of village Surha Basatpur, P.S. -
Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navin Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-09-2024 Heard Mr. Navin Kumar, learned counsel for the

petitioner and Mr. Ashok Kumar Singh, learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Hasanpur P.S. Case No. 177 of 2022 registered for the
offences punishable under Sections 498A and 364/34 of the
Indian Penal Code.

3. The marriage of the daughter of the informant was
solemnized with the petitioner in the year 2007. However, she
had all along been subjected to demand of dowry and on
account of non fulfillment of the same, she was done to death by
the petitioner. When the informant along with others went to the
house of the petitioner, they found that the dead body of the
victim was disposed off and the accused persons left the house.



4. It is contended on behalf of the petitioner that admittedly the marriage of the daughter of the informant was solemnized with the petitioner way back in the year 2007 and, as such, any demand of dowry or torture on account of non fulfillment of the same, appears to be not reliable. During the course of investigation, the children, who are aged about 12, 10 and 8 years respectively, have categorically stated that their mother was committed suicide by closing the door of the room. The statement of the mother-in-law of the deceased was also recorded, wherein she has almost stated similar fact but further added that the dead body of the victim was brought by breaking the door of the room and thereafter it was thrown in the *Ganges*.

5. Adverting to the aforesaid facts, learned counsel for the petitioner thus contended that even if the allegation, to the extent of disposal of the dead body is taken to be true, hardly it will make a case of Section 201 I.P.C., which is bailable in nature. It is lastly contended that the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court.

6. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the occurrence took place in the house of the petitioner and his



involvement cannot be ruled out. The children are appeared to be gain over by the father.

7. Regard being had to the submissions made on behalf of the parties and considering the statement of the children as noted hereinabove, coupled with the fact that the marriage was solemnized in the year 2007, apart from the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Rosera, in connection with Hasanpur P.S. Case No. 177 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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