

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43841 of 2024

Arising Out of PS. Case No.-586 Year-2023 Thana- CHAPRA TOWN District- Saran

Sudish Mahto @ Mutur Son of Mohan Mahto R/O Village- Chhota Telpa,
P.S.- Chapra Town, Dist.- Saran, Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-09-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 304(B), 34 of the IPC in
connection with Chapra Town P.S. Case No.586 of 2023.

3. The learned counsel for the petitioner submits that
petitioner being husband has been falsely implicated in the
instant case by informant who is father of the deceased. It is
next submitted that the informant alleges that his daughter was
married to the petitioner on 15.05.2023 and after marriage the
accused persons including the petitioner were demanding dowry
of a motorcycle and on account of non-fulfilment of the dowry
demand his daughter was killed on 21.07.2023. It is further
alleged that on 21.07.2023 when the informant had called her
daughter on her mobile when her father-in-law informed that the



victim has committed suicide.

4. The learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case. It is also submitted that no doubt the death took place within seven years of marriage but then all death within seven years of marriage are not dowry death. It is next submitted that the victim was not happy with the marriage, as such she committed suicide. It is also submitted that it does not appear probable that for non-fulfilment of dowry demand as is being alleged, the victim within two months would have been killed.

5. The learned APP opposes the anticipatory bail application and submits that petitioner is the husband and the death was within seven years of marriage as such presumption in law is against him and even presuming what has been submitted by the learned counsel for the petitioner to be true without admitting that petitioner was not involved in the occurrence, but then being husband he cannot shirk his responsibility, rather it can be submitted that petitioner created condition conducive for the victim to take the extreme step for ending her life.

6. Considering the submission made by the learned



APP, the Court is not inclined to release the petitioner on bail,
accordingly, the regular bail application is rejected.

(Satyavrat Verma, J)

Prakash Narayan

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