

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60932 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- CHAPRA TOWN District- Saran

Om Prakash Mahto S/O- Late Sheo Lakhan Mahto @ Shiv Lakhan Mahto
R/O Village - Rauja Pokhra, Bind Toli, P. S- Chapra Town, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Adv.
For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 09-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Chapra Town P.S. Case No. 43 of 2024 dated 27.01.2024 registered for the offences punishable under Section 304B read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have killed the informant's daughter due to non-fulfillment of demand of a pick-up vehicle as dowry.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further



submitted that from perusal of the post-mortem report it appears that strangulation on the informant's face to a pillow does not match, hence no offence of strangulation is made out against the petitioner. There is general and omnibus allegation against the petitioner who is the husband of the deceased. The petitioner neither demanded any dowry nor tortured the deceased. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 25.04.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for regular bail of the petitioner and submitted that the cause of death is uncertain. Viscera was sent for bio-chemical examination.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of offence against the petitioner, this court is not inclined to grant bail to the petitioner and the same is rejected in connection with Chapra Town P.S. Case No. 43 of 2024, pending in the Court of learned Chief Judicial Magistrate, Saran at Chapra.

7. Accordingly, the application stands rejected.

(Chandra Prakash Singh, J)

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