

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.418 of 2024**

Arising Out of PS. Case No.-196 Year-2023 Thana- RAJEPUR District- East Champaran

Birendra Mahto @ BirendraKumar @ Virendra Kumar S/O - Shivji Mahto @ Shiv Mahto R/o- Village - Madhuaha Brit, P.s - Rajepur, District- East Champaran @ Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                                                                                          |
|----------------------------|---|------------------------------------------------------------------------------------------|
| For the Petitioner/s       | : | Mr. Shashank Shekhar, Advocate<br>Mr. Mukul Kumar, Advocate<br>Mr. Utsav Kumar, Advocate |
| For the Opposite Party/s : |   | Mr. Pushpa Sinha.1, APP                                                                  |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      24-01-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Rajepur P.S Case no.196 of 2023 registered under sections 302, 304B, 201 and 34 of the Indian Penal Code.

3. As per the prosecution case, the daughter of the informant who was married to the petitioner herein was tortured by the accused persons for non-fulfillment of the demand of dowry which was to the tune of Rs.1 lakh and a bullet motorcycle. She was ultimately done to death.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only for the reason that he happens to be the husband of the deceased. The



informant is not an eyewitness to the occurrence and the allegations are general and omnibus in nature. The daughter of the informant was a chronic patient of epilepsy and it is as a result of a sudden attack that resulted in her death. Intimation was immediately given to the members of the informant's family whereafter the cremation took place with their consent. The petitioner is in custody since 23.11.2023 and undertakes to cooperate in the trial. He has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner who happens to be the husband of the deceased together with the contents of the order of the learned trial Court wherein reference has been made to the cause of death mentioned in the postmortem examination which is said to be asphyxia due to strangulation, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

**(Partha Sarthy, J)**

Shiv/-

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