

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12442 of 2014

Arising Out of PS.Case No. -158 Year- 2010 Thana -BATHNAHA District- SITAMARHI

Sanjay Mahto @ Sanjay Kumar S/O Chethru Mahto Resident Of Village-
Hari Bela, P.S- Bathnaha, Distt- Sitamarhi.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

3 31-07-2014 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in Bathnaha P.S. Case No.
158 of 2010 dated 21.10.2010 instituted under Sections
304B/302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
though he is the husband and the allegation is of killing the
deceased by strangulation but the same is false. It is submitted that
in the postmortem, no mark has been found on the entire body of

the deceased and rather it has come that she died due to poisoning. It is further submitted that during investigation it has come that there was some hot talk between the deceased and her mother-in-law, that is, the mother of the petitioner due to which the deceased consumed 'sulfas' resulting in death. It is further submitted that demand of dowry of Rs. One Lakh and a colour T.V. persisting for more than 8 years even after there being three minor children born out the wedlock, is not believable. It is submitted that there being three children, the petitioner would not have taken this extreme step. It is submitted that the petitioner having clean antecedent is in custody since 21.12.2013.

Learned A.P.P., upon going through the case diary, does not dispute the fact that independent witnesses have stated that due to hot talk between the mother-in-law and the deceased, she had consumed 'sulfas' and that when she was taken to the local Hospital, she was referred to Sitamarhi Hospital but before that she died.

Considering 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 Chief Judicial Magistrate,

Sitamarhi in Bathnaha P.S. Case No. 158 of 2010. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to do so on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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