

Patna High Court - Orders

Mantoo Singh vs State Of Bihar on 28 March, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA

CR. APP (SJ) No.1157 of 2010

MANTOO SINGH

Versus

STATE OF BIHAR

3. 28.3.2011 I.A. No. 557 of 2011 The appellant has made a prayer for bail through this interlocutory application, as he had not made the prayer for bail in the memo of appeal, which was considered after receipt of the lower court records.

Heard both the sides.

The appellant Mantoo Singh is the husband of the deceased who has been convicted and sentenced to a couple of terms under Section 304B and 201 of the I.P.C.

The contention is that the parents of the deceased, P.Ws. 3 and 7 did not support the charges and, as such, were declared hostile along with one of the brothers of the deceased, namely, P.W. 1. As regards the other brother of the deceased, P.W. 6, his evidence in paragraph 8 was read out to the Court wherein he has stated the room where other relatives of the bridegroom were staying and that there was an arranged marriage and there was no demand of dowry at that particular stage. Above all, the appellant was already on bail and, as such, on the day of passing the judgment of conviction he was taken into custody.

Regard being had to the facts and the contention and that the appellant was enjoying the privilege of bail prior to being convicted, let the appellant Mantoo Singh be directed to be released, during pendency of this appeal, on furnishing a bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the trial court, i.e., 3rd Additional Sessions Judge, Rohtas at Sasaram in Sessions Case No. 568 of 2008/ Tr. No. 112 of 2009.

As regards sentence of fine, realisation thereof from the appellant shall remain stayed till further orders.

Kanth

(Dharnidhar Jha, J.)