

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29368 of 2015

Arising Out of PS.Case No. -266 Year- 2014 Thana -BAHERI District- DARBHANGA

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1. UMANAND MAHTO @BAIJNATH MAHTO @ UMANAND KUMAR MAHTO son of Ram Prasad Mahto resident of Village- Sher, P.S Baheri, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Jha

For the Opposite Party/s : Mr. M.Rab(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 29-10-2015 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Baheri P.S. Case No. 266 of 2014 registered for the offences punishable under Sections 341, 342, 323, 504, 307, 498(A) and 34 of the Indian Penal Code and lateron Section 302/34 I.P.C. has been added.

Allegedly the petitioner being the husband of the informant, after pouring inflammable substance on her body with aid and assistance of co-accused, lit the fire and closed in a room and thereafter when she cried, the door was opened and at the pressure of relatives and family members, she is brought to PMCH, Patna where she is serious and later on, she died.



Submission is of false implication and that there are two daughters out of the wedlock. The wife of the petitioner committed suicide by burning herself. The petitioner was himself ill and was under treatment of doctor from 05.11.2014 to 07.11.2014 at Gurgaon which is evident from Para 58 and 59 of the case diary. The other witnesses have also stated vide para nos. 30 and 31 of the case diary that the informant of this case burnt herself due to rumor that the petitioner has arranged second marriage. All the prescriptions have been annexed in supplementary affidavit to show that the petitioner was under treatment and he was suffering from typhoid fever.

The learned A.P.P. opposes the prayer of bail but fairly submits that independent witnesses Murti Yadav and Yogendra Mahto have not supported the prosecution case vide Para 58 and 59 of the case diary and the informant was brought back to her Naihar from Apolo Burn Hospital, Patna and thereafter due to Septisimia, she died.

In the facts and circumstances stated above, considering that the chargesheet has already been submitted and there is no chance of tampering with prosecution evidence and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with

two sureties of the like amount each to the satisfaction of the Learned Judicial Magistrate 1st Class, Darbhanga arising out of Baheri P.S. Case No. 266 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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