

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6621 of 2016

Arising Out of PS.Case No. -481 Year- 2015 Thana -BAHERA District- DARBHANGA

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1. Krishna Kumar Mahto son of Parmeshwar Mahto, resident of village-
Bhagwatpur, P.S.- Bahera, 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. Khurshid Anwar (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 08-04-2016 Heard the learned counsel for the petitioner and the
learned A.P.P. representing the State.

The petitioner seeks bail in connection with Bahera
P.S. Case No. 481 of 2015 registered for the offence punishable
under Section 302/34 of the Indian Penal Code.

Allegedly, earlier the petitioner has assaulted Ram
Kishun Mahto with knife causing injury to him and has
threatened to kill him and thereafter, the petitioner and others in
collusion and conspiracy after sprinkling petrol burnt Ram
Kishun Mahto, the father of the informant and he was brought
at DMCH, Darbhanga and thereafter, he was referred to PMCH,
Patna but in the way Ram Kishun Mahto died.

Submission is of false implication and that in the



First Information Report, it is not stated that Ram Kishun Mahto stated the name of the petitioner or anyone but during investigation, prosecution story has been developed and the name of the petitioner was taken that he burnt the father of the informant, other independent witnesses vide paras 35, 36, 37 and 38 of the case diary have not supported the prosecution version and they have stated that Ram Kishun Mahto used to eat Bhang and in the night used to keep earthen lamp on the window and due to fall of earthen lamp, he was burnt and further, the tower location of the petitioner was found at Kathwana where the petitioner has gone to meet his relative which is evident from para 43 of the case diary.

Learned A.P.P. opposes the prayer of bail by submitting that the informant in his further statement and further witnesses Kamli Devi, the wife of the deceased and Phool Kumari Devi, daughter in-law of the deceased have stated that in the way to the hospital, Ram Kishun Mahto has taken the name of the petitioner that he burnt him.

In the facts and circumstances stated above, considering that in the First Information Report it is not mentioned that the father of the informant stated the name of anyone and further, charge-sheet has already been submitted

and there is no chance of tampering with the prosecution evidence, 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 Additional Chief Judicial Magistrate, Benipur, Darbhanga in connection with Bahera P.S. Case No. 481 of 2015, subject to the conditions that one of the bailors must be a 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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