

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12407 of 2016

Arising Out of PS.Case No. -86 Year- 2015 Thana -KHANPUR District- SAMASTIPUR

1. Raushan Mahto Son of Late Rameshwar Mahto Resident of Village
Hansopur, P.S. Khanpur, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh

For the Opposite Party/s : Mr. Pranav Kumar (App)

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

3 05-05-2016

Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence
punishable under section 304 (B)/34 of the I.P.C

Pinki Devi, the daughter of the informant, was
married to the petitioner 9-10 years ago and allegedly due to non
fulfillment of demand of the petitioner and other in-laws she was
assaulted and poisoned to death.

Submission is of false implication and that there was
cordial relation between the petitioner and his wife, out of the
wedlock there are three children, as a matter of fact, the wife of
the petitioner died due to the sun stroke and due information was
given to the informant but under the dirty village politics the
informant lodged this false case, on the date of occurrence the

petitioner was not at his house which is evident from paragraph-28 of the case diary, during postmortem examination no external injury has been found and as such the petitioner deserves sympathetic consideration as he is suffering in custody since 20.06.2015.

The learned A.P.P. submits that the petitioner is the husband and other witnesses have supported the allegation.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M. Samastipur in Khanpur P.S. Case No. 86 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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