

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20555 of 2016

Arising out of PS.Case No. -86 Year- 2014 Thana -KAHAIYA District- MUZAFFARPUR

Rajendra Mahto @ Bathu Mahto, son of Vijali Mahato, resident of village-Gopalpur, P.S. Kathaiya, District:- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Yugal Kishore, Advocate.

For the Opposite Party : Mr. S.Ehteshamuddin(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-07-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 25.08.2015 in connection with Sessions Trial No. 137/2016, arising out of Kathaiya P.S. Case No. 86 of 2014 for the offences instituted under Section 302/34 of the IPC.

The prosecution story, in brief, is that when the informant's son was not traced she went to the house of this petitioner in search of her son because he used to go to the house of this petitioner. Upon which, this petitioner and others assaulted her from back and then she became unconscious. It is further alleged that after getting conscious stage she saw that her son, namely, Munna Kumar and Lakshmi Devi the daughter-in-law of

the petitioner were hanging from rope and they were died.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 25.08.2015 and the charge sheet has been submitted in the present case. There is no allegation of tampering with the evidence against the petitioner. In the F.I.R., suspicion has been raised against the petitioner for committing offence. In paragraph no. 40 of the case diary it has come that both the deceased were in illicit relation and when they were caught by the parents they committed suicide inside the room by hanging themselves. No case under Section 302 of the I.P.C. is made out.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned 1st Additional Sessions Judge, Muzaffarpur, in connection with Sessions Trial No. 137/2016, arising out of Kathaiya P.S. Case No. 86/2014.

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(Sudhir Singh, J)