

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49655 of 2015

Arising out of PS.Case No. -209 Year- 2015 Thana -KALYANPUR District- EAST
CHAMPARAN(MOTIHARI)

Baleshwar Mahto, Son of Gyani Mahto, resident of Village- Bairagi Tola,
Police Station- Kalyanpur District East Champaran at Motihari.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate.

For the Opposite Party : Mr. Raj Ballabh Singh(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Kalyanpur P.S. Case No. 209 of 2015 for the offences
instituted under Sections 302, 201 and 120(B)/34 of the IPC.

The prosecution story, in brief, is that the informant's
daughter-in-law, Sangeeta Devi, had lodged a case against this
petitioner-accused along with two other co-accused persons for the
incident of entering in her home and tried to outrage her modesty
in Motihari Court. On 25.07.2015 in the morning the informant's
daughter-in-law Sangeeta Devi alongwith her minor daughter aged
about 08 months had gone to Motihari court to make pairvi, but



she could not return till evening. On 26.07.2015 about 6.30 A.M., the informant received information that in Prpadiya Chawar near Kachchi road, dead-body of Sangeeta Devi is lying. On this, the informant had gone there and there and found dead body in her back and just behind dead-body of his daughter-in-law who had sustained gun-shot injury in her back and just behind dead-body, informant's grand- daughter, Kajal, was lying. There was no blood-spot, hence, the informant has confidence that murder was committed some where else and her dead-body has been thrown there. The further case is that this petitioner-accused alongwith co-accused persons had used to give threatening to informant's daughter-in-law to withdraw that case, for which Panchayati had been convened in the village. The mobile phone of Sangeeta Devi was also found missing. Thus, the informant has confidence that this petitioner-accused alongwith co-accused persons have committed murder of the informant's daughter-in-law, Sangeeta Devi by firearms.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. Except for suspicion, there is no other material against the petitioner. From perusal of the case diary, it is evident that there is no eye witness to the alleged occurrence nor there is any circumstantial

evidence to suggest the implication of the petitioner.

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 in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Kalyanpur P. S. Case No. 209/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, East Champaran at Motihari, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)