

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27251 of 2017

Arising Out of PS.Case No. -31 Year- 2014 Thana -KAHAIYA District- MUZAFFARPUR

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Rajesh Mahto, son of Late Dhani Mahto, resident of Village- Kathaiya,
P.S.- Kathaiya, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate

For the Opposite Party/s : Mr. Ataur Rahman, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 09-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
17.03.2017 in connection with Kathaiya P.S. Case No. 31 of
2014 registered for the offence punishable under Sections
304(B) and 201/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant,
is that her daughter was married to the petitioner about 2-3
years back and had a child. It is alleged that due to non-
fulfilment of demand of motorcycle, petitioner along with his
other family members has killed her daughter and cremated
her dead body.

It has been submitted by the learned counsel for



the petitioner that he is innocent, was leading a happy conjugal life with his wife and on the fateful day, she was suffering from diarrhoea and vomiting and was about to be taken to the hospital, but in the night she died. It has further been submitted that the informant has filed an affidavit before the learned Court below that no such occurrence had taken place and on the instigation of enemies of the petitioner's side,, she had lodged the present First Information Report on mistaken facts and that the police also during investigation had taken the statement of the informant, who stated that she had participated in the cremation ceremony of her daughter and the owner of the medical shop also confirmed that medicine had been taken for treatment of the petitioner's wife. He submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each



to the satisfaction of the learned Sub-Divisional Judicial
Magistrate (West), Muzaffarpur in connection with Kathaiya
P.S. Case No. 31 of 2014.

(Nilu Agrawal, J.)

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