

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28378 of 2017

Arising Out of PS.Case No. -151 Year- 2016 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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1. Brijesh Mahto @ Bidesh Mahto, S/o Bishwanath Mahto, resident of
Village- Kurwa Mathia, P.S.- Chanpatia, Dist- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Rajendra Nath Jha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 02-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 25.11.2016 in
connection with Chanpatia P.S. Case No. 151 of 2016 for offences
punishable under Sections 302, 201 & 120-B of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that her deceased-son was married to Rati Devi on 16.04.2016 and
after marriage Rati Devi stayed at her matrimonial home for only
15 days and, thereafter, she never went there. On 27.08.2016 Rati
Devi called her deceased-husband on the pretext of her illness at
her mayke. On 27.08.2016 he went to meet her wife at her mayke



but when the informant tried to contact her son, she found his mobile switched off and then she contacted her daughter-in-law she showed her ignorance. On 28.08.2019 informant got information about the dead body of her son which was lying near the bank of canal. When the informant along with her family members reached at the place of occurrence, they saw the *Fasuli* which was used in crime, slipper and cycle of the deceased. It also came to the light that Rati Devi was having extra marital affair with a boy due to which under conspiracy Rati Devi killed her deceased-husband along with some other co-accused persons.

It has been submitted by the learned counsel for the petitioner that he is innocent, and has been falsely implicated in the aforesaid case. He submits that the deceased was the husband of his sister and there was no motive behind killing of the deceased. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that two independent witnesses have supported the prosecution case and had seen the petitioner at the place of occurrence while they were passing by.



Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Chanpatia P.S. Case No. 151 of 2016 pending in the Court of learned A.C.J.M.-V, Bettiah, West Champaran.

(Nilu Agrawal, J)

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