

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6759 of 2018

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

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

.... Petitioner/s

Versus

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.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second round of litigation. Earlier the prayer
for bail of the petitioner was rejected vide order dated 02.08.2017
passed in Cr. Misc. No. 28378 of 2017.

Petitioner is languishing in judicial custody since
25.11.2016 in connection with Sessions Trial No. 191 of 2017
arising out of Chanpatia P.S. Case No. 151 of 2016 for offences
punishable under Sections 302, 201 and 120B of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that her son was married to Rati Devi in the year 2016 but her



daughter-in-law stayed only for 15 days at her matrimonial home and left. She called the informant's son on Holi festival at her parental house, thereafter the dead body was found near bank of canal.

It has been submitted by the learned counsel for the petitioner that he is innocent and just because he is brother of Rati Devi, he has been made accused only on suspicion. He submits that the witnesses who have seen the petitioner at the place of occurrence have not seen the petitioner committing any offence. He further submits that trial is going on and petitioner undertakes to cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Bettiah, West Champaran, in connection with Sessions Trial No. 191 of 2017 arising out of Chanpatia P.S. Case No. 151 of 2016, subject to the conditions that:

- (1) One of the bailors would be a close



relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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