

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45280 of 2018

Arising Out of PS.Case No. -167 Year- 2018 Thana -KAHALGAON District- BHAGALPUR

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Raina Mahaldar, Son of Late Gama Mahaldar, Resident of Village- Narya
Tola, Bhalsar, P.S.- Rasalpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 20-08-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 10.04.2018 in connection with Kahalgoan (Rasalpur) P.S. Case No. 167 of 2018 for the offence registered under Sections 302, 201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that mutilated and fully de-composed body was recovered from a well by the *Chowkidar* of the village and it was identified to be the body of one Gita Devi, who is said to be the second married wife of the present petitioner. It is further submitted that the entire story that the petitioner was married to the said Gita Devi (deceased) is false and fabricated and wholly far-fetched, as he is a married man and has nothing to do with the said Gita Devi (deceased). It is further



submitted that the petitioner was arrested on suspicion and thereafter he was made to give his self-confession before the police, which has no evidentiary value. He, thus, submits that the petitioner may be extended the privilege of bail.

Diary of the present case was called for which has since been received.

Learned counsel for the State, after perusal of the case diary, submits that the dead body of the said Gita Devi (deceased) was identified by her step-son and step-daughter-in-law, who claimed that this petitioner was having an affair with the deceased and, therefore, the chance of his implication in connection with the present case cannot be ruled out. It is further submitted that the petitioner has also given his self-confession in graphic details before the police, in which the offence was conducted by him.

Learned counsel appearing on behalf of the petitioner, however, responded to the said submissions stating that both the persons, who are said to have made statement against the petitioner, are said to be the hearsay witnesses and on their statement alone, the petitioner cannot be kept behind the bars and he is willing to face trial and participate in whatever further investigation may be necessitated. He, thus, submits that the petitioner may be extended the privilege of bail.



Having heard learned counsel for the petitioner, learned counsel for the State and after considering the materials available in the case diary, there appears to be no tangible cogent evidence in the statement made by the two witnesses, as has been referred to by learned counsel for the State. It further appears that only on suspicion, the petitioner was taken into custody and that save and except one other case, the petitioner has no other criminal antecedent.

Taking into consideration the aforesaid facts and circumstances of the case, 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 Chief Judicial Magistrate, Bhagalpur in connection with Kahalgoan (Rasalpur) P.S. Case No. 167 of 2018, subject to the following conditions:-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister, son and/or his wife.

(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail



bonds shall be liable to be cancelled by the learned Court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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