

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49635 of 2018

Arising Out of PS.Case No. -397 Year- 2017 Thana -MAJORGANJ District- SITAMARHI

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1. Rambabu Mahto @ Gorakh Mahto S/o Rup Narayan Mahto, R/o Vill.-
Amba Khurd, P.S.- Mejarganj, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv

For the Opposite Party/s : Mr. Sri Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 19-09-2018 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for
the offence punishable under Section 302 of the Indian Penal
Code.

The FIR was lodged against unknown on
recovery of dead body of the mother of the informant, whose
murder was committed by committing injury with sharp
cutting weapon. The petitioner is son of the informant.
During investigation, the sniffer dog sniffed the shoes of the
petitioner and on that basis, petitioner was implicated in this
case. One more evidence came that a suspected bloodstained
dagger was recovered from the room of the petitioner.

Submission of the learned counsel for the



petitioner is that no motive has been alleged against the petitioner to commit murder of the grandmother, who was selling vegetables. Moreover, the petitioner had also visited at the place, where dead body was found. Therefore, it was natural that the sniffer dog smelled the shoe of the petitioner. Investigation is closed and it was never examined forensically that the recovered dagger was containing blood of the grandmother of the petitioner.

Considering the fact that there is no substantial material against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Mejarganj (Suppi O.P.) Police Station Case No.397 of 2017, subject to the condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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