

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1707 of 2018

Arising Out of PS. Case No.-81 Year-2016 Thana- BASOPATTI District- Madhubani

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Raju Mahto S/o Yogendra Mahto @ Upendra Mahto, R/o Village- Basopatti,
P.S.- Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Amit Kumar Rakesh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-03-2018 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 20.06.2017,
passed in Cr. Misc. No. 18795 of 2017.

Petitioner is languishing in judicial custody since
07.06.2017 in connection with Basopatti P.S. Case No. 81 of
2016 for offences punishable under Sections 304-B/34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that the petitioner killed Gunja Kumari (his wife) for non-
fulfillment of demand of dowry and tried to dispose off the dead
body, but the informant arrived and saw the dead body of his
daughter.



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 prosecution witnesses are relatives of the deceased and independent witnesses have not come forward to support the prosecution case. He further submits that charges have been framed but till today none of the witnesses have been examined. In this regard a report was called for from the Addl. District and Sessions Judge-II, Madhubani, who has sent the report dated 15.02.2018 stating therein that even after framing of charge none, out of the seven charge-sheet witnesses, have appeared and deposed. It is further submitted that petitioner is ready 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 and the period of custody, 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 Addl. District and Sessions Judge-II, Madhubani, in connection with Basopatti P.S. Case No. 81 of 2016, subject to the following conditions :



- (i) 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.
- (ii) 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)

Rajesh/-

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