

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61007 of 2018

Arising Out of PS. Case No.-187 Year-2017 Thana- MADHUBAN District- East Champaran

Ramlakhan Mahto, Son of Mohan Mahto, Resident of Village- Nonia Dih
Madhuban, P.S.- Madhuban, District- East Champaran. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Sri Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 28-11-2018 Heard the learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks regular bail in Madhuban P.S. Case No. 187 of 2017 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

Petitioner had earlier moved before this Court for grant of bail which was rejected vide order dated 02.02.2018 passed in Cri. Misc. No. 1020 of 2018.

It has been submitted on behalf of the petitioner that except the so-called recovery of blood-stained half pant from the possession of the petitioner, no other incriminating material has been recovered. It has further been submitted that the recovered half pant has not been sent to the Forensic Science Laboratory to identify the nature of the blood-stain. There is no eye witness and the case is based upon circumstantial evidence,



that the petitioner was last seen together with the deceased. Petitioner has no criminal antecedent except one case being Madhubani P.S. Case No. 188 of 2017 instituted for the same occurrence regarding theft. Petitioner is in custody since 16.10.2017.

Considering the aforesaid facts and circumstances of the case, let the petitioner, named above, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 4th Additional Chief Judicial Magistrate at Motihar, East Champaran, in Motohari, East Champaran in connection with Madhuban P.S. Case No. 187 of 2017 with following conditions:-

(I) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operative in the trial and shall be represented on each and every date fixed by the Court.

(3) If the petitioner tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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