

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1381 of 2019

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

Raju Mahto, Son of Late Nunnu 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

For the Opposite Party/s : Smt. Anita Kumari Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 27-03-2019 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

Petitioner has earlier moved for bail which was
rejected vide order dated 17.02.2018 passed in Cr. Misc. No.
3381 of 2018.

Petitioner is languishing in judicial custody since
16.07.2017 in connection with Madhuban P.S. Case No. 187 of
2017 for offences punishable under Sections 302/34 of the
Indian Penal Code.

The prosecution case as lodged by the informant is
that his father owned a Kabadi shop and was found dead being
assaulted by some heavy weight.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and has
been falsely implicated in the aforesaid case. It is further



submitted that the confessional statement before the police has no evidentiary value in the eye of law and it is only on the basis of circumstantial evidence that petitioner has been made accused. He further submits that bloodstained clothes of the deceased was found in the house of co-accused Ram Lakhan Mahto who has already been granted the privilege of bail in Cr. Misc. No. 61007 of 2018 dated 28.11.2018 and that the petitioner undertakes to cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and one more case is pending against him although learned counsel for the petitioner submits that for the same offence of theft, the said case being Madhuban P.S. Case No. 188 of 2017 has been instituted against the petitioner and others.

Considering the aforesaid facts and the materials on record, let the 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 the learned 4th Additional Chief Judicial Magistrate at Motihari, East Champaran in connection with Madhuban P.S. Case No. 187 of



2017, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The 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/priyanka

U		T	
---	--	---	--

