

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13117 of 2019

Arising Out of PS. Case No.-277 Year-2018 Thana- SIKARPUR District- West Champaran

MANTU RAO @ MANTU KUMAR RAO Son of Kameshwari Rao @
Kameshwari Prasad Rao Resident of Village- Bairia, P.S.- Shikarpur, Distt -
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baxi S.R.P. Sinha, Sr. Advocate Mr. Anand Kishore Choudhary, Advocate
For the Opposite Party/s	:	Mr. Pranav Kumar, APP
For the Informant	:	Mr. Arvind Kumar Srivastava, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 30-09-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 01.08.2018 in
connection with Shikarpur P.S. Case No. 277 of 2018 for the
offence registered under Sections 302 and 201 of the Indian
Penal Code.

Learned Senior counsel appearing on behalf of the
petitioner submits that the entire case is false and frivolous and
except for circumstantial evidence, the informant has brought
nothing on record to support the prosecution story. It is further
submitted that neither the post-mortem report nor the inquest
report support the allegation of the petitioner having
strangled the deceased and the injuries which have been



found are not such which would support the allegation of strangulation.

Learned counsel appearing on behalf of the informant submits that the petitioner had taken a loan of Rs. 1 lakh from the deceased and was prevaricating in returning the same and there is all the reason for the petitioner to have indulged in the crime and at the time the body was discovered, the petitioner was found to be in a confused state and, therefore, it can well be said that he had participated in the occurrence.

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

Learned counsel appearing on behalf of the State, after perusal of the case diary, post-mortem report as well as the inquest report, submits that there is no mark of injury except a small abrasion on the chin and a black spot on the stomach in the inquest whereas in the post-mortem report, there is no evidence of any injury at all.

Considering the entire facts and circumstances of the case and that the prosecution story does not stand substantiated by the medical report and also the inquest report which is on record and there is no further cogent material in the case diary nor any eye witnesses to the occurrence, 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, Bettiah, West Champaran in connection with ShiKharpur P.S. Case No. 277 of 2018, subject to the following conditions:-

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

2. The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

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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