

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17919 of 2020**

Arising Out of PS. Case No.-258 Year-2017 Thana- RIGA District- Sitamarhi

Hari Mahto (M), aged about 34 years, Son of Fakira Mahto Resident of Village-Riga Imali Bazar, Ward no.11, Nuniya Tola, P.S.-Riga, District-Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Advocate

For the Opposite Party/s : Mr.Md. Aatur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 26-08-2020 Heard learned counsel for the petitioner and Mr. Md. Aatur Rahman, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Riga P.S. Case No. 258/2017 registered for the offence under Section 302, 201, 120B/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is a co-villager and has no concern with the family of the deceased. It is stated that in whole investigation no material at all has come against the petitioner. It is also pointed out that the post-mortem report of the deceased has shown that there were ligature mark around the neck.

It is further submitted that the brother-in-law of the deceased who was also made an accused in this case has already



been granted bail in Cr. Misc. No. 18785/2020. The petitioner has otherwise no criminal antecedent.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case wherein no material has been placed before this Court showing that any witness has seen the petitioner with the deceased and further that the co-accused who are the wife and brother-in-law of the deceased have been granted bail by this Court in Cr. Misc. No. 18785/2020, the petitioner has otherwise no criminal antecedent and is in custody since 29.08.2019, investigation against him is complete and his further incarceration is not likely to come in aid of investigation or help the prosecution, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sitamarhi, in connection with Riga P.S. Case No. 258 of 2017, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

- (a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,
- (b) that such person shall not commit an offence



similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

