

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18824 of 2020

Arising Out of PS. Case No.-99 Year-2016 Thana- NAUTAN District- West Champaran

Jhodha Mahto @ Yodha Mahto @ Jodha Mahto, aged about 28 years, Male,
Son of Baidhyanath Mahto @ Vaidya Nath Mahto, Resident of Village Nawka
Tola, Jagdishpur, P. S. - Jagdishpur, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 09-06-2020 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioner and Mr. Pramod Kumar Pandey, learned
Additional P.P. through video conferencing.

The petitioner seeks bail in Nautan (Jagdishpur) P.S.
Case No.99 of 2016, registered under Sections 302, 201 and 34
of the Indian Penal Code.

The informant lodged the case against unknown for
killing of his niece. The informant disclosed that on 16.05.2016
on the eve of marriage of Lalan Sahani, *Barat* had gone to the
house of Ramesh Sahani. His niece had also gone in *Barat* and
she was sleeping on cot in the night but she did not return to her
house. On 17.05.2016, her dead body was found in a field.

Learned counsel for the petitioner submits that during



the course of investigation, suspicion is raised that the bride who married had love affair with the petitioner but this fact also does not connect the petitioner in the murder of the niece of the informant. Suspicion is raised against Jailal Sahani and Bhola Sahni and both of them were granted bail by different coordinate Benches of this Court vide order passed in Cr. Misc. No.19660 of 2018 and Cr. Misc. No.76920 of 2018. The case of the petitioner stands on better footing. The petitioner had earlier moved this Court for anticipatory bail in Cr. Misc. No.23192 of 2018. A coordinate Bench of this Court by order dated 19.04.2018 granted provisional bail to the petitioner till submission of the charge sheet. Charge sheet is submitted but there is absolutely no tangible material save and except suspicion. After submission of charge sheet, the petitioner surrendered in the court and he is in jail since 03.12.2019.

The learned Additional P.P. however, opposed the prayer for bail.

Taking into consideration the facts that similarly situated two accused persons have already been granted bail and there is only circumstantial evidence that too in the form of suspicion, petitioner, namely, Jhodha Mahto @ Yodha Mahto @ Jodha Mahto is directed to 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 Additional District & Sessions Judge-Ist-cum-Special Judge, Bettiah, West Champaran in connection with Nautan (Jagdishpur) P.S. Case No.99 of 2016.

(Prabhat Kumar Jha, J)

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