

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22716 of 2020

Arising Out of PS. Case No.-889 Year-2019 Thana- TURKAULIYA District- East
Champaran

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Laltu Mahto Son of Dukhi Mahto, Resident of Village - Fulwar Gamariya,
P.S.- Banjaria (Turkauliya), District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 05-12-2020 Heard Mr. Abhishek Kumar, learned counsel for the

petitioner and Mr. Ajay Kumar Jha, learned counsel for the State

through Video Conferencing.

In this case, the petitioner is seeking regular bail in
connection with Turkauliya (Banjaria) P.S. Case No. 889 of
2019 registered for offence punishable under sections 363,
365/34 of the Indian Penal Code and subsequently section 364,
302, 201 and 120B of the Indian Penal Code has been added.

As per the FIR, allegation has been made that
daughter of the informant has been made to traceless since
09.12.2019 and the apprehension has been shown that Chandan
Mahto, Kameshwar Mahto and Sabita Devi were involved in
commission of the crime. In the backdrop of the fact that few
days back, Suraj Mahto and Lakhi Mahto assaulted informant's



father causing fracture his hand. A panchayati was conducted and it was agreed to pay Rs. 15,000/-. The matter was settled and Rs.5,000/- was paid by Chandan Mahto and he gave assurance to pay Rs. 10,000/- later on. On account of treatment of fracture, demand was made to the accused persons for payment of Rs.10,000/- but instead of doing make payment, the victim girl has been kidnapped and killed.

Learned counsel for the petitioner submits that in fact the petitioner is not named in the FIR but subsequently in re-statement his name has been added which has been corroborated by the accused persons. Three co-accused have already been granted bail by this Court in Cr. Misc. No. 22810 of 2020 and Cr. Misc. No.29844 of 2020.

However this Court perused the case diary and from the C.D.R. location it appears that the petitioner was in talking terms with other accused persons, save and except, there is nothing against him.

Looking to the facts and circumstance of the case, the petitioner is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya (Banjaria) P.S. Case



No. 889 of 2019, subject to the condition that one of the bailors of the petitioner shall be a close relative. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court. In case of failure on two consecutive dates without any proper reason, the prosecution will be at liberty to make a prayer before the court below for cancellation of the bail of the petitioner.

(Shivaji Pandey, J)

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