

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28230 of 2020**

Arising Out of PS. Case No.-22 Year-2020 Thana- GHOSWARI District- Patna

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KISHOR MAHTO @ NAND KISHOR MAHTO S/o Late Kapildeo Mahto
Resident of Village-Issanagar, P.S.-Ghoswari, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar, Adv.

For the Opposite Party/s : Mrs. Suman Kumari Singh, APP.

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 14-12-2020 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Ghoswari P.S. Case No. 22 of 2020 registered under sections 302 and 34 of the Indian Penal Code.

As per allegation in the FIR, the husband of the informant was called by the petitioner on the mobile phone. Thereafter he did not return and subsequently his dead body was discovered.

It is submitted by learned counsel for the petitioner that admittedly the informant is not an eye witness to the occurrence. It is further submitted that in course of investigation it is stated that the husband of the informant had liquor with the



petitioner and one Bechan Mahto. It is stated that Bechan Mahto has been enlarged on bail on 24.11.2020 passed in Cr. Misc. No. 30005 of 2020 (Bechan Mahto vs. State of Bihar). At best it is a case of last seen. The petitioner is in custody since 7.3.2020. It is finally submitted that in the postmortem report no trace of liquor has been found.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, grant of bail to co-accused Bechan Mahto and the petitioner being in custody since 7.3.2020, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Ghoswari P.S. Case No. 22 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Barh, District Patna.

(Partha Sarthy, J)

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