

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31545 of 2020**

Arising Out of PS. Case No.-78 Year-2017 Thana- DAUDPUR District- Saran

RAMBALAK MAHATO Son of Late Shiv Prasad Mahato Resident of  
Village- Shital Pur, Police Station- Daudpur, District- Saharan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                         |
|--------------------------|---|-------------------------|
| For the Petitioner/s     | : | Mr.Gopal Govind Mishra  |
|                          | : | Mr.Munna Kumar Upadhyay |
| For the Opposite Party/s | : | Mr.Matloob Rab (APP)    |

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      02-12-2020                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of Daudpur P.S. Case No. 78 of 2017 registered for the offence punishable under Sections 302, 120B and 34 of the Indian Penal Code.

The informant is the husband of the deceased, who died on 12.05.2015. A U.D. case was registered in respect of the death of the informant's wife, showing an accident to be a cause of her death. Present F.I.R. has been registered on 19.04.2017 with the allegation that the informant was unaware of the occurrence, as he was away from his house and he was in Madhya Pradesh for earning his livelihood. When he returned in 2017, he learnt from his daughter that his wife was killed by the persons named in the F.I.R. The petitioner is full brother of the



informant and has been named in the F.I.R.

Learned counsel appearing on behalf of the petitioner has submitted that the police had found the case to be a mistake of fact, after conclusion of investigation but the Court below has taken cognizance on a protest-cum-complaint petition filed by the informant. He has further submitted that the petitioner and his wife have been maliciously implicated because of certain property dispute in the family. He has also argued that, as a matter of fact, the informant had participated in the *shradh* ceremony of the deceased in 2015. The petitioner is in custody since 12.08.2020.

Considering the facts and circumstances, as noted above, in my view, a case for grant of regular bail is made out. This application is allowed.

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 the learned Judicial Magistrate 1<sup>st</sup> Classs, 11<sup>th</sup>, Saran at Chapra in connection with Daudpur P.S. 78 of 2017.

**(Chakradhari Sharan Singh, J)**

AKASH/-

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