

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69006 of 2019

Arising Out of PS. Case No.-186 Year-2016 Thana- BIBHUTIPUR District- Samastipur

1. Manoj Kumar @ Manoj Mahto Son of Ram Kailash Mahto Resident of Village - Karankh Badiya, P.S.- Bibhutipur, District - Samastipur.
2. Ram Kailash Mahto Son of Late Boudhu Mahto Resident of Village - Karankh Badiya, P.S.- Bibhutipur, District - Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 13-01-2020

Heard learned Counsel for the petitioners and the learned APP for the State. Counsel for the informant has also opposed the prayer for bail.

The petitioners, who are in custody, seek bail in a case registered under Sections 302, 201 and 34 of the Indian Penal Code in connection with Bibhutipur PS Case No. 186 of 2016.

The petitioners are in custody since 4.7.2019.

The prosecution has been instituted by Ram Binay Mahto on recovery of dead body of his son on 10.8.2016. The deceased was missing from his house since 5.8.2016. The body has been found hanging from a tree. The FIR is against unknown persons.

It is submitted by petitioners' Counsel that the petitioners are innocent and have been implicated in this case merely on suspicion due to disclosure made by one Manoj Mahto that on 5.8.2016 the deceased had been seen with the petitioners.

Counsel for the petitioners submits that there is no incriminating material to connect the petitioners with the alleged occurrence.

The Court had earlier called for the case diary which has been received. Upon going through the same it is submitted that the



viscera report in respect of the deceased has reported heavy dose of Methyl Alcohol mixed with Ethyl Alcohol.

It is submitted that the deceased has died on account of consumption of illicit liquor. It is also submitted that the delay in lodging of the FIR is suggestive of the fact that the cause is false. Even though son of the informant had been missing since 5.8.2016 till recovery of his dead body on 10.8.2016 no information had been given to the police. Other than suspicion there is nothing to connect the petitioners with the occurrence.

Learned APP and the Counsel for the informant have opposed the prayer for bail by submitting that there is evidence of one Manoj Mahto in course of investigation regarding the deceased being seen with the petitioners on 5.8.2016.

Considering the aforesaid submissions, this Court for the purpose of grant of bail, would accept the submissions advanced on behalf of the petitioners. The petitioners are also said to be having clean antecedents.

Let the petitioners, above named, be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Shri L.N.Tripathi, Judicial Magistrate, 1st Class, Rosera, Samastipur in Bibhutipur PS Case No. 186 of 2016 subject to the following conditions:-

(I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

