

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83890 of 2019

Arising Out of PS. Case No.-22 Year-2012 Thana- CHANAN District- Lakhisarai

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DAMODAR MAHTO Son of Late Lakhan Mahto Resident of Village-
Shekhodara, P.S.- Kowakole, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bikramdeo Singh
For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 24-06-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Chanan P.S.
Case No.22 of 2012 registered under Sections 302, 201 and 34
of the Indian Penal Code.

The informant, a Choukidar, disclosed that a dead
body of a physically challenged woman was found by the side
of the river. The deceased was wife of Ras Bihari Mahto. The
informant further alleged that lady had developed illicit relation
and that is why her husband and brother(the petitioner) have
killed the deceased.

Learned counsel for the petitioner submits that
petitioner is the brother of the deceased. The husband of the
deceased was a physically challenged person. The deceased got
two male children from her wedlock and there is absolutely no
evidence. It is further submitted that save and except the
statement of Vinod Mahto in para 16 of the case diary, who saw
the petitioner along with the deceased and her husband, there
appears no tangible evidence to show that the petitioner killed



his own sister and disposed of her dead body but on perusal of the F.I.R. and the case diary, it appears that Vinod Mahto saw the petitioner going along with his sister and brother-in-law. It has come that the petitioner was also annoyed because his sister had developed extra-marital relation with a man of Paswan caste. During the course of investigation, other witnesses have also stated that they saw the petitioner along with his sister but his sister did not return.

It appears that petitioner was also seen going along with his sister and his brother-in-law but the sister did not return. Thereafter the dead body of his sister was taken out from under the earth situated by the bank of the river.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced by the order of this Court.

(Prabhat Kumar Jha, J)

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