

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32904 of 2021**

Arising Out of PS. Case No.-223 Year-2020 Thana- SONBERSA District- Sitamarhi

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MADAN MAHTO SON OF HARI MAHTO RESIDENT OF VILLAGE-
ROHUA, P.S.- SONBARSA, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh
For the Opposite Party/s : Mr.APP.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-12-2021 Learned counsel for the petitioner is permitted to

make necessary correction in para 1 of bail application in course

of the day.

Heard learned counsel for the petitioner and learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection Sonbarsa P.S. Case
no. 223 of 2020 registered for the offence punishable under
section 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is in custody since 05.01.2021 and is person with
clean antecedent and charge sheet has been submitted. Learned
counsel for the petitioner further submits that the informant in
the FIR alleges that Mina Kumari was married to Rabindra
Mahto 15 years back and from the wedlock and they had two



sons and one daughter and further Meena Kumari informed the informant that Rabindra Mahto has married with Madhu Devi daughter of the petitioner. It is next alleged that accused persons including petitioner came to the house of the informant and started abusing and threatened to keep out of the controversy and was carrying lathi, danta and rod, it is next alleged that informant, two daughters and two daughters-in-law intervened to save the informant but they were beaten and abused by them with legs and fists on 07.11.2020, it is next alleged that accused again came on 11.11.2020 thrashed the deceased who was taken to hospital where she died. Learned counsel for the petitioner submits that from bare perusal of the post mortem report, it would manifest that there is no external or internal injury on the deceased. Further, when the occurrence took place on 07.11.2020 as alleged in the FIR, no FIR came to be instituted and then it is alleged that accused persons including the petitioner again came on 11.11.2020 and committed the occurrence. Learned counsel for the petitioner submits that allegation as alleged appears to be improbable for the reason that Rabindra Mahto had already married with the daughter of the petitioner as has been alleged as such there was no occasion for the petitioner to go to the house of the informant and to



assault, if he had any grievance, the grievance would have been with Meena Kumari.

Learned counsel for the informant vehemently opposes the bail application and submits that it was on account of thrash given by the accused the deceased died, further, in the inquest report, it is recorded that there was injury on finger of the deceased.

Learned APP also opposes the prayer for bail.

Considering the facts aforesaid and that petitioner is in jail custody since 05.01.2021, charge sheet has been submitted and petitioner is a person with clean antecedent, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate VII, Sitamarhi in Sonbarsa P.S. Case no. 223 of 2020.

(Satyavrat Verma, J)

s.hassan/-

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