

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37673 of 2020

Arising Out of PS. Case No.-67 Year-2020 Thana- MAHARAJGANJ District- Siwan

LAL BABU MAHTO Son of late Mangni Mahto Resident of Village
-Dhobaliya Kothi, P.S.- Maharajganj, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Ms.Kumari Anupam, Advocate
For the Opposite Party/s :		Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-03-2021 Heard both sides.

The petitioner seeks bail in S.T. No.144 of 2020 arising out of Maharajganj P.S. Case No.67 of 2020 registered under Sections 302, 201 and 34 of the Indian Penal Code.

The informant, Prince Kumar is the son of the deceased. The informant alleged that his mother Laxmi Devi gave Rs.100 to the informant to purchase the vegetables from the local market. When the informant was coming, a lady, co-villager inform him that dead body of his mother is lying in the field situated in the western side of the house. The informant rushed and saw Lal Babu Mahto was returning. He was afraid. Lal Babu Mahto had illicit relation with the mother of the informant.



The learned counsel for the petitioner submits that petitioner is of course named in the F.I.R. but the informant is not an eye witness of the occurrence. A lady disclosed before the informant about the dead body lying in the field situated in the western side of his house but the lady did not disclose about the presence of the petitioner near the place of occurrence or the place from where the dead body was found lying. It is further submitted that during the course of investigation, almost all the witnesses have stated that the petitioner had illicit relation with the deceased and that is why every witnesses stated that they suspect the hands of the petitioner in killing of the mother of the informant but there is no eye witness of the occurrence. Save and except the suspicion, there is absolutely no tangible material to show the involvement of the petitioner.

Learned A.P.P. while opposing the prayer for bail of the petitioner submits that since the petitioner had illicit relation with the deceased, the witnesses strongly suspected the hands of the petitioner in killing of the deceased.

It appears that save and except the suspicion, there appears no tangible evidence to show that the petitioner killed the deceased and threw her dead body in the field situated in the western side of the house of the informant. Petitioner is in jail



for about a year.

Taking into consideration the facts aforesaid, let the petitioner, above named, be enlarged 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 Addl. District and Sessions Judge 5th, Siwan in connection with S.T. No.144 of 2020 arising out of Maharajganj P.S. Case No.67 of 2020.

(Prabhat Kumar Jha, J)

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