

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7147 of 2020

Arising Out of PS. Case No.-247 Year-2012 Thana- PATRAKARNAGAR District- Patna

DHARMENDRA MAHTO, S/o Ramdeo Mahto R/o village- Dhruvgawan
Noniya Tola, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Uttam Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Pancha Nand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 08-02-2022 Heard learned counsel for the parties through video conferencing.

Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

This application for anticipatory bail arises out of Patrakar Nagar P.S. Case No. 247 of 2012 for the offence punishable under Sections 302, 201/34 of the Indian Penal Code.

In paragraph nos. 12 and 13 of the bail application, the following statements have been made:-

“12. that as such when subsequently the case was supervised by the supervising authority namely, Sub Divisional Police Officer, Sadar Patna and Town S.P. Patna they came to conclusion that in the drunken way the deceased did marpit with



his wife thrown his baby on the roof bolted the room and committed suicide and upon information father and mother of the deceased came and took away the dead body on ambulance.

*13. That accordingly the police submitted the final form in the case as “**mistake of fact**” but the learned Judicial Magistrate, 1st Class, Patna took the cognizance.”*

Considering the fact that Final Form was submitted and the petitioner was exonerated, this bail application is allowed.

Let the petitioner, above named, in the event of his arrest/surrender within ten weeks from today in the Court below, 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, 1st Class, Patna, in connection with Patrakar Nagar P.S. Case No. 247 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

However, before accepting the bail bonds of the petitioner, the Court below will verify the fact whether Final Form was submitted and cognizance has been taken by the Court below differing with the Final Form. If the Final Form has been submitted by the Police, the bail bonds of the petitioner



shall be accepted. If the Final Form has not been submitted by the Police, the bail bonds of the petitioner shall not be accepted and he shall be taken into custody.

(Sandeep Kumar, J)

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