

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12203 of 2022

Arising Out of PS. Case No.-82 Year-2021 Thana- MEDNI CHAUKI District- Lakhisarai

Hira Mahto Son Of Nathuni Mahto, R/O Village- Khaba Chandra Tola, P.S.-
Medani Chowk, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rewti Kant Raman, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 11-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Medani Chowki P.S. Case No. 82 of 2021 lodged under Section
302/34 of the Indian Penal Code.

As per the allegation made in the F.I.R., the petitioner
went with the deceased and on the next morning, the dead body
of the deceased was recovered.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that case has been lodged under Section 302 of the
I.P.C. but after investigation charge sheet has been filed under

Section 304 of the I.P.C.. He further submits that none of the witness has supported the version of the F.I.R. He further submits that in paragraph nos.-21 and 22 of the case diary the independent witnesses stated that they have seen that the deceased was taking bath in *Quil* river after returning from *Diara* and on the next day his dead body was recovered. Learned counsel for the petitioner further submits that the petitioner is in custody since 11.07.2021, charge sheet has already been filed and charge has been framed as well as he has clean antecedent.

Learned counsel for the State opposes the prayer for bail and submits that the informant has figured the name of the present petitioner in commission of the crime but on the other hand he also submits that in case diary, there is not a single witness who has supported the story of F.I.R..

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge, Lakhisarai in connection with Medani Chowki P.S. Case No. 82 of 2021, in S.T. Case No. 02 of 2022, subject to the conditions as laid down

under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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