

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14234 of 2022

Arising Out of PS. Case No.-108 Year-2019 Thana- PANCHRUKHI District- Siwan

Gagandeo Mahto Son Of Late Tuda @ Chandeshwar Mahto Resident Of
Village- Chap, Police Station- Sarai O.P., District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Advocate.

For the Opposite Party/s : Mr.Uday Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

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

Petitioner seeks regular bail in connection with
Pachrukhi P.S. case no. 108 of 2019 registered for the offence
punishable under Section 302 of the Indian Penal Code.

As per FIR a dead body of an unknown girl was found
from the road side and later on it was suspected that the said girl
was killed by this petitioner, his son and other family members
on account of the deceased having love affair with son of this
petitioner and accordingly the matter was deemed to be the
honour killing.



The main submissions advanced by learned counsel for the petitioner are that the petitioner is not named, in the FIR as per the prosecution petitioner's role in the alleged crime, came up during investigation. Further submissions is that the deceased who belonged to muslim community, had love affair with son of this petitioner and if we believe the prosecution story even then there was no reason for the petitioner's son and petitioner to kill the deceased as according to the prosecution the deceased had love affair with petitioner's son, in fact the deceased's own family members killed the victim on account of her having love affair with a person of other community and thereafter the petitioner and his family members were falsely implicated in the present case. Further submission is that in the present case petitioner's wife Gyanti Devi and son of the petitioner, Ganesh Mahto have been granted bail by co-ordinate Benches of this Court vide orders passed in Cr. Misc. no. 70853 of 2019 and 39081 of 2021 and against the petitioner there is same nature of allegation like said co-accused having.

Learned APP has opposed the prayer for bail.

Having considered the above submissions and mainly the fact that the petitioner is not named in the FIR and petitioner's son and wife who were similarly alleged to be



involved in killing of the deceased have been granted bail by co-ordinate benches of this Court vide orders passed in above mentioned Cr. Misc. and petitioner has got no criminal antecedent and languishing in jail since 08.09.2021, accordingly a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Pachrukhi P.S. case No. 108 of 2019.

(Shailendra Singh, J)

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