

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17030 of 2022

Arising Out of PS. Case No.-428 Year-2021 Thana- CHANPATIA District- West Champaran

Daroga Mahto Son Of Late Shivnath Mahto, Resident of Village - Khora
Koeri Tola, Ward no.02, P.s.- Chanpatia, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-07-2022 Heard learned counsel for the parties.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Chanpatia P.S. Case No.428 of 2021 instituted under
Sections 302/201/34 of the Indian Penal Code.

As per the allegation lodged on 01.09.2021, while the
informant was on patrolling duty, he received informant to the
effect that a dead body was lying in the Malani 'Chawar',
whereupon the informant went to the place, and found the dead
body was of a woman, but even on due diligence, the dead body
could not be identified. A piece of bamboo was found lying near
the dead body, and trailing marks three-wheeler was also
detected there. The dead body was wrapped in green saree with
hands and knees tied with printed 'gamchha'. It appeared to the



informant that the woman was either hanged to death or strangled to death and her dead body was thrown there bringing the same from somewhere.

Learned counsel for the petitioner submits that so far as this petitioner is concerned, he had nothing to do with the alleged death of the girl. The only materials that has come against him that he being a neighbour had accompanied the family members of the deceased when the body was being taken away. He submits that for the said alleged act he has already suffered by being in jail since 11.01.2022. He further submits that the petitioner does not carry any criminal antecedent and is ready to abide by any terms and conditions if enlarged on bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Chanpatia P.S. Case No.428 of 2021 to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah, subject to following conditions:

- (i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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