

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17982 of 2022

Arising Out of PS. Case No.-164 Year-2021 Thana- DAUDPUR District- Saran

Jitendra Mahto S/O LATE CHANDESHWAR MAHTO R/o village- Jaitpur
Ke Tiwari Tola, P.S.- Daudpur, District- Saran at Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 17-08-2022 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
Daudpur P.S. Case No. 164 of 2021 lodged under Sections 365
of the Indian Penal Code subsequently Section 302, 201/34 of
the Indian Penal Code has been added in this case.

As per the prosecution case, the informant had
disclosed that at the evening of 21.07.2021 his son (deceased)
went outside the house at about 08.00 p.m. for walk but
thereafter, he did not return the house.

Learned counsel for the petitioner submits that from
the F.I.R. itself it transpires that the case has been filed on the

basis of suspicion, subsequently the statement of other witnesses has come in the case diary but all were based on the suspicion. There is no eye witness in this case as well as there is no direct evidence. Learned counsel for the petitioner further submits that petitioner is in custody since 04.10.2021, chargesheet has already been filed in this case. He further submits that petitioner has 2 criminal antecedents but all the cases are of Sections 323 & 324 of Indian Penal Code in which he is on bail.

Learned counsel for the State opposes the prayer for bail and submits that, though, there is no direct evidence against the petitioner but his involvement cannot be ignored and there is motive behind the same.

In the present facts and circumstances of this 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 Judicial Magistrate, 1st Class, Saran at Chhapra in connection with Daudpur P.S. Case No. 164 of 2021, 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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