

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19950 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- KHUTAUNA District- Madhubani

Ashok Kumar Mahto @ Ashok Mahto S/o Jugeswar Mahto R/o village-
Khutauna, Navtoli, P.S.- Khutauna, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Adv.
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 31-08-2022 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
S.T. No.32 of 2022 arising out of Khutauna P.S. Case No. 114 of
2021 (G.R. No. 1437 of 2021) lodged under Sections 307, 326/34
of the Indian Penal Code dated 18.08.2021 in which
subsequently on 25.10.2021 Section 302 I.P.C. has been added.

As per the prosecution case, the informant has alleged
that on 17.08.2021 at about 1.00 a.m. his Bhabhi and her children
were burnt by sprinkling petrol and for treatment she was taken
to DMCH, Darbhanga she disclosed the name of petitioner and
one another person who she did not identify.

Learned counsel for the petitioner submits that the date

and time of occurrence is 17.08.2021 at about 1.00 a.m. He further submits that the disclosure of name of petitioner was made to the informant by his sister-in-law (Bhabhi). It has been submitted by him that deceased was alive from 17.08.2021 to 24.10.2021 but she has not disclosed anything at all before the Police or before the Doctor and disclosed the name of present petitioner in this case. He further submits that petitioner is in custody since 19.08.2021, there is no criminal antecedent of petitioner, petitioner is the co-villager and due to death of deceased he is in no way benefitted, rather the informant himself was benefitted.

Learned counsel for the State opposes the prayer for bail and submits that the material available in the case diary is the confessional statement of the petitioner, in which he has disclosed that due to suspicion that the deceased was involved in doing *Jadu Tona* upon the son of petitioner, it is due to this reason such event has taken place.

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 Additional District and Sessions Judge, Jhanjharpur, District Madhubani in connection with S.T. No.32

of 2022 arising out of Khutauna P.S. Case No. 114 of 2021 (G.R. No. 1437 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.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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