

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49930 of 2021

Arising Out of PS. Case No.-291 Year-2019 Thana- ADAPUR District- East Champaran

1. NAWAL MAHTO @ NAWAL KISHORE MAHTO S/o DASAI MAHTO R/o VILLGE-AMODEI (SHOBHA TOLA), P.S-RAMGARHWA, DISTRICT-EAST CHAMPARAN.
2. NARESH MAHTO @ NARESH PRASAD KUSHWAHA S/o DASAI MAHTO R/o VILLGE-AMODEI (SHOBHA TOLA), P.S-RAMGARHWA, DISTRICT-EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

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

The petitioners seek regular bail in connection with Adapur (Harpur) P.S. Case No. 291 of 2019, registered for the offence punishable under Sections 302, 201 and 120(B)/34 of the



Indian Penal Code, 1860.

The allegation, according to the informant, is that she had gone to her parental home where she had received information regarding a quarrel having taken place between her husband and the co-accused person, namely, Ram Udesb Kushwaha. Thereafter, the informant is stated to have gone back to her matrimonial house with her family members, however, her husband was not found, nonetheless, on search, the dead body of her husband was recovered from a paddy field.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having clean antecedent. The learned counsel for the petitioners has further submitted that the petitioner no. 1 is languishing in custody since 3.6.2021 and the petitioner no. 2 is languishing in custody since 23.4.2021. It is further submitted that the main accused i.e. Ram Udesb Kushwaha and similarly situated co-accused persons have already been granted bail



by coordinate Benches of this Court vide orders dated 3.12.2020 and 14.10.2020 passed in Criminal Miscellaneous No. 25804 of 2020 and Criminal Miscellaneous No. 25808 of 2020 respectively.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the parity of the case of the petitioners with that of the co-accused persons, who have already been granted bail by coordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-



Divisional Judicial Magistrate, Raxaul, East
Champaran at Motihari in connection with Adapur
(Harpur) P.S. Case No. 291 of 2019.

(Mohit Kumar Shah, J)

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