

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56049 of 2021

Arising Out of PS. Case No.-41 Year-2019 Thana- KHUTAUNA District- Madhubani

Ramchandra Mahto Son of Late Kalar Mahto Resident of Village - maran,
Rampur Shiva, P.s.- Andhrathadhi, Distt.- Madhubani. At present residing at
H.No.16, Gali No.64, A-1, Block, Bangali Colony, Sant Nagar Burari, Delhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 10-05-2022 Heard learned counsel for the parties.

Let the defect(s), if any, be removed within four weeks.

The petitioner is in judicial custody in connection with Khutauna P.S. Case No.41 of 2019 registered under Sections 302, 201 and 120(B) of the Indian Penal Code.

The prosecution case, as it unfolds in the FIR Information Report, is that the informant's younger brother, who studied in Madhubani and was likely to join as a Physical Teacher had come to home to celebrate Holi festival. He went out to a nearby place to go through newspaper but failed to return home.

Later, search was made and his brother was found hanging from a tree. The informant alleges that his marriage was



solemnized 17 years ago with Rekha Devi, who however, was residing at her '*Maika*' and regularly threatening him of dire consequences. He as such believed that in connivance with her family members including the brothers herein, they might have eliminated him.

In this case case diary was called for on 11.04.2022. However, only supplementary case diary has been received as informed by learned APP for the State. The supplementary case diary deals with the police visiting Delhi and checking the tower location of this petitioner.

Learned counsel for the petitioner submits that on the date of occurrence he was not present there, rather was working in Delhi. The police too, after visiting Delhi collected the materials of his mobile location which shows that at the particular point of time, his tower location was at Najafgarh, New Delhi. It has further been submitted by the learned counsel for the petitioner that the owner of Hotel Moti Mahal, Najafgarh, Delhi provided the CCTV footage of the said period to the police to show the petitioner's innocence. He submits that his name has only been dragged in the case only on suspicion and for which he is in jail since 26.06.2021.

Learned APP who represented the State has gone



through the supplementary case diary as also para-26, 28, 48 and para-63 and after going through the contents of the said paragraphs, he submits that the police found the tower location of the petitioner to be at Delhi and further statements are there to show that the owner of Hotel Moti Mahal, Najafgarh, Delhi provided CCTV footage for the said period to show that the petitioner herein was working at that particular point of time.

Considering the aforesaid facts including the fact the police after visiting the National Capital collected the materials wherein the tower location of the petitioner's mobile was found to be Delhi as also the CCTV footage provided the hotel owner, he is in jail since 26.06.2021 (as stated in para-26 of the bail application), does not have any criminal antecedent and charge sheet has already been submitted, this Court is inclined to grant him the privilege of bail.

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 in connection with Khutauna P.S. Case No.41 of 2019 to the satisfaction of learned Chief Judicial Magistrate, Jhanjharpur, subject to following conditions:

(i) 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;

(ii) 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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