

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45356 of 2022

Arising Out of PS. Case No.-82 Year-2020 Thana- KORMA District- Sheikhpura

BINDESHWARI MAHTO Son of Late Paro Mahto R/o vill- Sahara, P.S-
korma in the district of Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Korma
(Sheikhpura) P.S. Case No. 82 of 2020 registered for the
offences punishable under Sections 302, 34 of the Indian Penal
Code.

As per prosecution case, petitioner and others
concertedly committed the murder of informant's sister by
strangulating her neck.

Learned counsel for the petitioner submits that
petitioner is in custody since 07.04.2021. Petitioner bears no
criminal antecedent. Charge sheet has been submitted in the



case and there is no likelihood of tampering with the prosecution evidence. Petitioner is father-in-law of the deceased and he has no concern with the family affairs of deceased and her husband. Petitioner has been falsely implicated in this case just because he is the father-in-law of the deceased. He further submits that petitioner is aged about 65 years and is suffering from several ailments. There is no specific overt-act attributed against the petitioner and allegation against the petitioner is general and omnibus in nature. Petitioner is quite innocent and has committed no offence as alleged in FIR.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, petitioner being father-in-law of the deceased has no say with family affairs of deceased and her husband, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate,
Sheikhpura in connection with Korma (Sheikhpura) P.S. Case
No. 82 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or
mother or sister or brother or wife or the person who has sworn
the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will
remain present on all dates and absence for two consecutive
dates without appropriate permission, would be a ground for
cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or
the witnesses, in that case, the prosecution will be at liberty to
move for cancellation of bail.

(Alok Kumar Pandey, J)

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