

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60658 of 2021

Arising Out of PS. Case No.-86 Year-2021 Thana- ROSERA District- Samastipur

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DINESH MAHTO @ DINESH MATHO Son of Late Ram Autar Mahto @
Late Ram Autar Matho Resident of Village - Balapar Ward No.- 18, P.S.-
Rosera, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sujit Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ramchandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 29-09-2022 Let the defect(s), 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
Rosera P.S. Case No. 86 of 2021 lodged under Section 302/34 of
Indian Penal Code.

The allegation in the F.I.R. against the present
petitioner is that he along with his son visited to the house of the
informant and kidnapped him, thereafter killed him by *garasa*.

Learned counsel for the petitioner submits that it is
true that death of the informant's son has taken place but the

version of F.I.R. is absolutely false. Learned counsel for the petitioner further submits that case diary has been called for in this case and in para-25 of the case diary the petitioner has narrated the entire truth before the police and from the said story, it transpires that in heat of passion, he has committed said crime. Learned counsel further submits that any prudent man shall do the same thing which the petitioner has done. He further submits that petitioner has no criminal antecedent and he is in custody since 17.03.2021. He further submits that charge has already been framed in this case.

Learned counsel for the State opposes the prayer for bail and submits that even if F.I.R. is wrong and version of petitioner made in para-25 of the case diary is correct but the death has caused by the petitioner himself.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-Ist, Rosera, Samastipur in connection with Rosera P.S. Case No. 86 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C..

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

ravishankar/-

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