

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60722 of 2021

Arising Out of PS. Case No.-218 Year-2020 Thana- CHACKMEHSI District- Samastipur

Ram Lagan Mahto Son of Yaddu Mahto Resident of Village- Gorai, P.S.-
Chakmehsi, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 28-09-2022 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
Chak Mehasi P.S. Case No. 218 of 2020 lodged under Section
302 of the I.P.C.

As per the prosecution case, the informant received
information from the son of the deceased that his father
assaulted the deceased on her head in result Sunaina Devi died.

Learned counsel for the petitioner submits that from
the content of F.I.R., it transpires the F.I.R. has been lodged on
hearsay evidence. He further submits that the petitioner is the
husband upon whose allegation is to make one blow of lathi on

the head of his wife due to which she died. He submits that there is no allegation of over-act upon him. He submits that it is an unfortunate situation under which he has made one blow to his wife. His antecedent is clean and in custody since 30.10.2020, charge sheet has already been filed in this case. Upon specific query that whether charge has been framed or not. Learned counsel for the petitioner has shown his inability to inform in this regard.

Learned counsel for the State opposes the prayer for bail and submits that direct allegation is against the petitioner to make one blow on the head of the deceased due to which she died.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present but he may renew his prayer for bail one year after framing of charge. The Trial Court is directed to release him on bail after one year from the date of framing of charge imposing condition so that he may not evade from the trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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