

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62374 of 2021

Arising Out of PS. Case No.-255 Year-2020 Thana- WARISNAGAR District- Samastipur

SUBODH MAHTO Son of Late Somar Mahto Resident of Village-
Satmalpur, P.S.- Warisnagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 201 and 34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 23.06.2021, charge-sheet has been
submitted in the case and has antecedent of one case.

Learned counsel for the petitioner submits that the
informant alleges that her daughter was married to the petitioner
12 years ago and out of the wedlock, two sons and two
daughters were born, further the petitioner had illicit relation
which was objected by the deceased for which she was assaulted
and thus it is alleged that petitioner killed informant's daughter



by hanging and her dead body was thrown in Gandak river.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the informant is not an eye-witness to the occurrence. It is further submitted that the marriage was 12 years old and out of the wedlock 4 children were born and not a single case came to be instituted in between these 12 years of marriage. Learned counsel for the petitioner submits that though the informant alleges that the petitioner was having illicit relationship but then neither in the F.I.R. nor during the course of investigation name of any person has been disclosed to show that petitioner was having illicit relation.

Learned counsel for the petitioner submits that a general and omnibus allegation has been leveled by the informant alleging that the petitioner used to assault the deceased but if what is being alleged in the F.I.R. is true, then definitely the deceased or the informant would have instituted a case against the petitioner but no such case was ever instituted against the petitioner. Learned counsel further submits that even the statement of the children was not recorded by the police, it is submitted that since children would not have supported the prosecution case as such deliberately their statement was not



recorded.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 23.06.2021, charge-sheet has been submitted in the case, the marriage was 12 years old, no case in between these 12 years came to be instituted and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Warisnagar P.S. Case No. 255 of 2020. The petitioner shall be released after framing of charge.

(Satyavrat Verma, J)

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