

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61534 of 2021

Arising Out of PS. Case No.-174 Year-2019 Thana- WAJIRGANJ District- Gaya

PRABHU MAHTO S/o Late Gyani Mahto R/o village- Bichha Rampur, P.S.-
Wazirganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Wazirganj P.S. Case No. 174 of 2019 registered for the alleged offences under Sections 302, 201 and 34 of the Indian Penal Code.

As per prosecution case, the informant alleged that his widowed daughter was killed by the petitioner and other co-accused persons for usurping her property and her dead body was thrown away by them.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner is the father-in-law of the deceased and is aged above 75 years. After the death of the husband of the deceased, the daughter-in-law of the petitioner, she started residing with the petitioner along with her small daughters. Prior to a few days of occurrence, the deceased went to her parental home and thereafter her dead body was found in a *Nala*. There is no eye witness to any occurrence related with this case. It has come during investigation that the deceased used to leave her matrimonial home but there is no material that the petitioner or other co-accused persons objected to it. Learned counsel further submits that similarly placed co-accused namely Nagina Devi has been granted bail vide order dated 18.12.2019 passed by Cr. Misc. No. 56033 of 2019 by another Coordinate Bench granted anticipatory bail to other co-accused persons Rajesh Prasad and Rinku Devi vide order dated 02.09.2020 passed in Cr. Misc. No. 15996 of 2020. Charge sheet has been submitted in this case and the petitioner is in custody since 08.08.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner has been named in the FIR itself and there is allegation that he along with co-accused persons killed the daughter of the informant.

Perused the records.



Having regard to the submission made hereinabove and considering the absence of cogent material to connect the petitioner with the death of the daughter of the informant and further considering the submission of charge sheet and his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Gaya in connection with Wazirganj P.S. Case No. 174 of 2019, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

Gautam/-

(Arun Kumar Jha, J)

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