

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2486 of 2022

Arising Out of PS. Case No.-15 Year-2021 Thana- DANDARI District- Begusarai

Rajesh Mahton @ Lucho Mahton S/O Late Barelal Mahton R/O Village-
Rajopur, P.S.- Dandari, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 05-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Dandari
P.S. Case No. 15 of 2021, registered for the offences
punishable under Sections 376, 302 and 34 of the Indian
Penal Code and Section 27 of Arms Act.

The prosecution story as emerging from FIR is that
the informant's daughter/deceased proceeded from the
house to attain the call of nature, but she did not return. On
search, she was found dead.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in



this case. He further submits that the petitioner is not named in the FIR and his name has transpired only in the confessional statement of one co-accused, Rahul Kumar, who has already been enlarged on bail. He further submits that investigation in this case is complete and charge-sheet has already been submitted and even charge has been framed.

The petitioner has been languishing in jail since 08.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the alleged offence is serious in nature and as per the statement of co-accused, it is the present petitioner who killed the victim, namely, Annu Kumari. He also submits that as per material on record, the present



accused-petitioner is uncle of the victim/deceased, Annu Kumari and as per the case of prosecution, he has seen the co-accused, Rahul Kumar to have a physical relationship with the victim and hence, subsequently, he killed his niece/victim. It is a case of honor killing. He also submits that trial is also at advance stage.

Considering the aforesaid facts and circumstance, I am not persuaded to enlarge the petitioner on bail at this stage.

The application stands rejected accordingly.

However, if the trial is not concluded in the next six months, they may renew their prayer for bail.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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