

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22862 of 2023

Arising Out of PS. Case No.-166 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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Mithun Kumar @ Mithun Mahto @ Mithun S/O Shatrudhan Mahto Resident
of Village- Phul Mallik, P.S.- Sahebpur Kamal, District- Begusarai.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

4 20-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a
period of four weeks from today.

3. The petitioner seeks bail in connection with
Sahebpur Kamal P.S. Case No. 166 of 2022 registered for the
offence under Sections 302, 201, 120-B of the Indian Penal
Code.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 26.06.2022.

5. The allegation against the petitioner is to commit



murder of his wife, who is daughter of informant.

6. Learned counsel appearing on behalf of the petitioner submitted that the petitioner solemnized marriage with deceased daughter of informant out of love affairs having three children. It is submitted that there is no any allegation, as to cause physical or mental torture on the part of petitioner. It is submitted that mere out of suspicions as petitioner could not explain the particular cause of death i.e. illness or suicide or electrocution, as it appears from the narration of F.I.R., the preset F.I.R. was lodged against petitioner. Learned counsel pointed out the statement of son of deceased as recorded during investigation, aged about six years and submitted that the maximum facts, which can be gathered from the statement that cause of death is suicide. It is further submitted that despite availability of elder son of petitioner/deceased namely Kaushal Mahto aged about 11 years, no question was asked to him regarding occurrence making a doubt on the version of Ritik Mahto, who is just six years old. It is submitted that postmortem report failed to suggest cause of death. Learned counsel Mr. Anshu Dhar Sharma, while arguing made a statement at bar that the death of wife of petitioner caused out of electrocution, whereas he fairly conceded that no such averment



as stated, raised through present bail petition. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP while opposing the prayer of bail submitted that eye witness supported the occurrence, who is none but six years old son of deceased but he failed to explain that how the statement of elder son, namely, Kaushal Mahto could not be recorded by investigating agency.

8. Considering the facts and circumstances as mentioned above, and by taking note of the fact as the implication of the petitioner, *prima facie*, appears out of suspicion as he failed to explain the cause of death to informant having no previous allegations of mental or physical cruelty coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 26.06.2022, accordingly, above named petitioner is directed to be released on bail in connection with Sahebpur Kamal P.S. Case No. 166 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- IV,



Begusarai/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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