

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30396 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- JHANJHARPUR District- Madhubani

1. Ram Udgar Mahto Son Of Surat Lal Mahto Resident Of Village Sirkhadiya, P.S.- Jhanjharpur, Arariya Sangram Op, District- Madhubani.
2. Manju Devi Wife Of Ram Udgar Mahto Resident Of Village Sirkhadiya, P.S.- Jhanjharpur, Arariya Sangram Op, District- Madhubani.
3. Rekha Devi Wife Of Raman Mahto Resident Of Village Sirkhadiya, P.S.- Jhanjharpur, Arariya Sangram Op, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baidyanath Thakur, Adv.
	:	Mr. Prabhakar Thakur, Adv.
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 11-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Jhanjharpur (ASOP) P.S. Case No. 18 of 2022 dated 27.01.2022 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

As per the prosecution, the informant alleged that



these petitioners murdered her brother and the body of her brother (deceased) was found in the house of these petitioners.

The main submissions advanced by petitioners' counsel are that the informant did not disclose the source by which she got the information of the alleged occurrence, in fact the deceased might have tried to enter into the house of the petitioners and he might have fallen from the stairs and rolled over towards the ground and in that course, he might have sustained fatal injuries and the said defence is corroborative to the *post-mortem* report of the deceased as only three *lacerated* wounds were found on the body of the deceased and there is no specific allegation against any of the petitioners and both the parties are co-villagers and neighbours and in between them, an old enmity is an admitted position and the same was running when the FIR was lodged and owing to the said enmity the petitioners have been falsely roped in this case. Further submission is that petitioner No. 2 namely, Manju Devi has given birth to a child during her custody period in jail and presently her child is about 7 to 8 months old and against the petitioner No. 3, there is no specific allegation and all the petitioners have been languishing in jail since 27.01.2022 and there is no eye-witness of the commission of the alleged



occurrence.

Learned APP appearing for the State has opposed the bail prayer and submitted that admittedly the dead body of the deceased was found in the house of these petitioners and there is no proper explanation about the presence of the body of the deceased in the house of the petitioners.

Heard both the sides and perused the FIR, order impugned as well as case diary of this case. Admittedly, an old enmity was running in between both the parties when the alleged occurrence took place and the dead body of the deceased was found in the house of these petitioners and the said circumstance completely goes against the petitioners and on the body of the deceased, three *lacerated* wounds were found and the cause of death of the deceased has been opined as due to *Hemorrhagic* shock as a result of injuries. Considering the said facts, in my opinion it is not a fit case for bail to the petitioner Nos. 1 and 3. Accordingly, their prayer for bail stands rejected.

So far as the prayer of the petitioner No. 2 is concerned, as according to above submission, she has recently given birth to a child in jail, who is presently just 7 to 8 months old and the infant is in her lap in the jail so in view of said circumstance, a lenient approach can be taken in respect of her



prayer for bail. Accordingly, let the petitioner No. 2 named-
above be enlarged on bail on furnishing bail bond of Rs.10,000/-
(Ten Thousand) with two sureties of the like amount each to the
satisfaction of the Court concerned in connection with
Jhanjharpur (ASOP) P.S. Case No. 18 of 2022.

Petitioner Nos. 1 and 3 may renew their bail prayer
after six months if any significant progress is not made in their
trial and they cooperate in their trial.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

