

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 32410 of 2022**

Arising Out of PS. Case No.-430 Year-2020 Thana- KHAGARIA District- Khagaria

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RAMASHISH MAHTON SON OF KEDALI MAHTON R/O VILLAGE-
MADHUA GHAGHARA, P.S.- BAKHRI, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

6 19-01-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Khagaria (Gangaur) Police Station (for brevity, **PS**) Case No 430 of 2020 dated 18.06.2020 registered for the offence punishable under Sections 302/34 of Indian Penal Code.

Informant has alleged that his son left home as he was working for Flipkart, and he did not return. Dead body of the son has been recovered thrown in a sack near the **Kariya** river. First Information Report has, thus, been lodged against unknown persons.

It is submitted by the petitioner's counsel that petitioner's implication is nearly a year after the alleged occurrence only on the alleged recovery of mobile phone of the deceased from the petitioner. Other than the alleged recovery of mobile phone, there is no cogent material in the investigation to suggest the petitioner's involvement. In fact, the informant, in his restatement, has stated that the deceased was having illicit relation with someone else. The petitioner's counsel further submits that petitioner has no antecedent and is



distantly related with the deceased and his family and, thus, had come into possession of the mobile phone of the victim. The petitioner is in custody since 13.02.2022.

Learned APP has opposed the prayer for bail. It is submitted that the police has recovered the mobile phone and the petitioner has also confessed his guilt.

Having considered the rival submissions, clean antecedent, material in investigation, custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Khagaria in Khagaria (Gangaur) PS Case No 430 of 2020 dated 18.06.2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

The Court below, however, should proceed with the trial on day-to-day basis wherein petitioner shall cooperate by ensuring his presence/representation.

(Madhuresh Prasad, J)

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