

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40313 of 2022

Arising Out of PS. Case No.-57 Year-2022 Thana- CHANPATIA District- West Champaran

Pheku Mahto, Son of Late Motar Mahto, R/O Village- Kudwa Mathiya, P.S.-
Chanpatiya (Kumarbagh O.P.), District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Kishor Mishra, Advocate
		Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-01-2023 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 304B and 34 of the Indian Penal Code.

As per the prosecution case, the daughter of the informant who was married to the son of the petitioner herein was tortured for non-fulfillment of the demand of Rs. 2 lacs in cash and ultimately the informant states that the accused persons strangled his daughter to death.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case only for the reason that he happens to be the father-in-law of the



deceased. The postmortem report does not support the prosecution case insofar as the cause of death has not been found to be strangulation but asphyxia as a result of hanging. It is submitted that the trial has commenced and one of the prosecution witnesses ie PW-2 Satyendra Kumar @ Satyendra Mahto in his cross-examination has stated that the deceased was of low intellect and even on an earlier occasion had attempted suicide, however she was saved. The petitioner is in custody since 4.4.2022, has no criminal antecedent and undertakes to cooperate in the trial.

Heard learned A.P.P for the State.

Having heard learned counsel for the parties and taking into consideration the nature of material that has transpired in course of investigation, the petitioner being the father-in-law of the deceased who has remained in custody for 9 months since 4.4.2022, the petitioner is directed to be enlarged on bail in connection with Chanpatiya (Kumarbagh O.P.) P.S. Case no. 57 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran on the following conditions:

(I) The petitioner shall remain physically present in



the trial court on each date of the trial and shall cooperate in the trial.

(II) In case the learned trial court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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