

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57719 of 2022

Arising Out of PS. Case No.-111 Year-2019 Thana- AMNAUR District- Saran

AMARNATH MAHTO Son of Satruhan Mahto Resident of Village- Aphar,
P.S.- Amnour, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 04-01-2023

Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of bail in a case registered under sections 304B, 201 and 34 of the Indian Penal Code.

As per the prosecution case, the daughter of the informant who was married to the petitioner herein was tortured and ultimately done to death and her body disposed of.

The earlier application for bail of the petitioner was rejected vide order dated 21.10.2021 passed in Cr. Misc. no.19062 of 2021. The petitioner is innocent and has been falsely implicated in the case only for the reason of his being the husband of the deceased. In fact the deceased died as a result of cholera and it is for this reason that the witnesses are



not appearing in the learned trial Court on behalf of the prosecution. There is no chance of the trial concluding in the near future. The petitioner is in custody since 29.10.2020 and undertakes to cooperate in the trial.

Heard learned A.P.P. for the State.

A report was called for from the learned trial Court. As per the report received contained in letter dated 7.12.2022 of the Additional District and Sessions Judge 9th, Saran, Chapra charge was framed on 5.12.2022 and summons have been issued for appearance of the witnesses.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the petitioner having remained in custody for more than 2 years since 29.10.2020 and the stage of the trial as reflected from the report received from the learned trial Court, the petitioner is directed to be enlarged on bail in connection with S.Tr. No. 583 of 2022 (arising out of Amnour P.S. Case no.111 of 2019) 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 Additional District and Sessions Judge-IX, Saran, Chapra.

It is directed that the petitioner shall cooperate in



the trial in the learned trial Court and shall remain physically present in Court on each date of the trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation 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)

Bibhash

U			
---	--	--	--

