

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72958 of 2023

Arising Out of PS. Case No.-219 Year-2023 Thana- KARJA District- Muzaffarpur

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1. CHHATHU MAHTO S/O DHARIKSHAN MAHTO R/O VILLAGE-KHALILPUR, P.S- KARJA, DISTT.- MUZAFFARPUR.
 2. SEEMA DEVI @ SIMA DEVI W/O LALU MAHTO R/O VILLAGE-KHALILPUR, P.S- KARJA, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard Mr. Mrityunjay Kumar, learned counsel for the petitioner and Mr. Bharat Bhushan, learned APP who represents the State.

2. The petitioners are in judicial custody in connection with Karja P.S. Case No. 219 of 2023 for the offence punishable under Sections 302/201/120(B)/34 of the Indian Penal Code lodged on 1.7.2023 by the informant, Makeshwari Devi.

3. As per the prosecution story, the informant's son went to the accused home for dinner. As it was getting late, she went to the house and saw him dinning with the accused persons



and asked him to return after dinner. The son, however, failed to return and later, his dead body was found near the house of the accused persons. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that on suspicion, entire family members have been roped in, inasmuch as, while the petitioner no.1 is an aged head of the family of the other accused persons, the petitioner no.2 is a lady and daughter-in-law of the petitioner no.1 who was serving food to all the accused persons including the informant's son. In a zeal to implicate everyone, these innocent persons (father-in-law and daughter-in-law have also been made accused) have been roped in.

5. Learned APP opposes the prayer stating that the informant's son went for dining at the house of the accused persons and subsequently his dead body was found nearby buried under the ground, the role of the accused persons cannot be ignored.

6. Having gone through the facts, it is clear that accusation has been made against the sons of the petitioner no.1 namely Chhathu Mahto as also other co-accused and on said suspicion, the father-in-law and daughter-in-law have also been roped in. It is a case of last seen theory. The two petitioners



herein, one being the lady and the other is an aged person have already suffered by being in custody since 2.7.2023 (para-10 of the petition) and both of them do not have criminal antecedents and on this ground, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, Muzaffarpur (West), in connection with Karja P.S. Case No. 219 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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