

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78598 of 2023

Arising Out of PS. Case No.-271 Year-2019 Thana- SAHEBPUR KAMAL District-
Begusarai

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Harinandan Mahto @ Hakol Mahto, Male, aged about 54 years, S/O Late
Mishu Mahto, R/o Chowki, P.S. - Sahebpur Kamal, Distt. - Begusarai.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Patanjali Rishi, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 30-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Sessions Trial No. 439 of 2021, arising out of Sahebpur Kamal
P.S. Case No. 271 of 2019 dated 01.09.2019 registered for the
offences punishable under Section 302 of the I.P.C.

3. Vide order dated 29.02.2024, a report from the
Bihar State Institute of Mental Health and Allied Sciences,
Koilwar, Bhojpur was called for as to the mental status of the
petitioner and also vide order dated 01.07.2024, a report
regarding the present stage of trial in connection with Sessions



Trial No. 439 of 2021, arising out of Sahebpur Kamal P.S. Case No. 271 of 2019 from the court of learned Additional District and Sessions Judge-1, Begusarai was called for.

4. In compliance of the aforesaid orders dated 29.02.2024 and 01.07.2024, a report from the office of the Superintendent, Bihar State Institute of Mental Health & Allied Sciences, Koilwar, Bhojpur, with regard to the mental status examination and clinical psychology report of the petitioner has been received through Memo No. 33-BIMHAS/SUPT/MB/2024 dated 20.05.2024 in which it has been opined-'No Active Psychopathology was detected' and there is 'No Psychiatric illness' in the patient at present and a report with regard to the present stage of the trial has also been sent by learned Additional Sessions Judge-Ist-cum-Special Judge, N.D.P.S. Civil Courts, Begusarai through memo No. 79 dated 08.07.2024 to this Court by which he has informed that the case is fixed for evidence.

5. As per the prosecution case, on 01.09.2019, the petitioner who is the father of the informant is alleged to have killed the informant's mother. It is further alleged that more often his father used to assault his mother as he was mentally sick and also he was taking medical treatment for the same. It is



further alleged that some villagers were told by his father that he committed murder of his wife with '*Kachiya*'.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the informant is not an eye witness to the alleged occurrence rather he has implicated the petitioner merely on the basis of mistake of fact. The petitioner has no concern with the death of his wife who probably died accidentally or circumstances unconcerned with the petitioner. It is further submitted that the name of the villagers was not disclosed to whom the petitioner had stated that he killed his wife. The case is pending at the stage of evidence. The conclusion of the trial of the case will take more time. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 02.09.2019 i.e., more than four and half years.

7. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

8. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Additional District and Sessions Judge-I, Begusarai or of such other court in *seisin* of the case in connection with Sessions Trial No. 439 of 2021, arising out of Sahebpur Kamal P.S. Case No. 271 of 2019.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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