

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44590 of 2017

Arising Out of PS.Case No. -36 Year- 2017 Thana -SIDHWALIA District- GOPALGANJ

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1. Dharmendra Mahato @ Darmandar Mahto Son of Late Jagdeo Mahto
Resident of village- Balara, Police Station- Sidhwalia, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Narendra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Sidhwalia P.S.
Case No. 36/2017 for offences punishable under Sections 302,
201/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that her husband Kanchan Prasad (deceased), who worked as
mason, has come home and again went to the market to bring the
children, who had gone to watch a show. When he did not return
she went to search him and found the dead body of her husband
and there were several injuries on his body.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and First



Information Report has been lodged against unknown. He submits that his name surfaced on the information of spy and his own confessional statement in which he has confessed of killing the husband of the informant along with his three associates. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and petitioner is in judicial custody since 02.04.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner and all the accused persons in their confessional statement have admitted their guilt and some items including the mobile of the deceased and clothes of the petitioner were also recovered.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Sidhwalia P.S. Case No. 36/2017, pending in the court of learned Addl. Chief Judicial Magistrate-VI, Gopalganj.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

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